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Land Management Institutions at the Community Level: The Case of Village Land Allocation Committees in Lesotho

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A more thorough account of this research appears in my thesis (Morapeli, 1990), submitted in partial fulfilment of the requirements for the degree of Master of Arts in Planning in the Faculty of Graduate Studies, School of Community and Regional Planning. I am grateful to Brahm Wiesman and Peter Boothroyd for their well-founded advice throughout the research.

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ABSTRACT

Replacement of traditional land administration institutions with modern institutions has been one of the strategies used by the Lesotho Government to solve land management problems. This thesis uses a case study approach to analyze the effectiveness of one modern institution, the Village Land Allocation Committees (VLAC), at the community level in Lesotho.

Customarily, land in Lesotho was allocated by traditional chiefs who could for various purposes revoke it. The system was allegedly open to abuse and under the Land Act 1979, the authority to allocate land was shifted from traditional chiefs to the VLAC, which is partly elected and partly nominated by the government. The thinking behind this change was that VLAC would be more democratic and efficient, representing local as well as national interests.

The study consists of two stages: a) review of background literature on Lesotho; and b) field research carried out through questionnaires administered to VLAC members, community members and government officials responsible for land administration at the community level in Lesotho.

Conclusions drawn from this study are that lack of clear policy guidelines, lack of connection between land allocation and the overall planning and lack of meaningful community participation in the land allocation process, are among the major problems in the operation of VLAC.

The study's major recommendations are directed towards: a) integrating land allocation with the overall land use planning; b) recognizing the continuing influence of traditional institutions and incorporating them into VLAC activities; c) providing VLAC with clearer goals and necessary resources; and d) building a planning and evaluation component into VLAC procedures. The need for further research on the composition and election process of VLAC is identified.

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CHAPTER 1. INTRODUCTION

1.1. INTRODUCTION

Globally, land management problems are the center of social, economic and political debate. With rapid increase in population it would be true to say that human progress and indeed survival depend on coming to terms with a multitude of problems connected with the way land is owned, distributed and used. Lesotho, with its closely confined area, has its own version of land management problems. Faced with a growing population, declining agricultural production and the perceived unfairness of traditional authorities, Lesotho has sought to replace the customary land administration with the Village Land Allocation Committees (VLACs) in an effort to correct the malfunctions of the customary tenure sytem and to accomodate the new demands placed on the system.

The land problems which face Lesotho are also set against a harsh physical background. On the basis of present knowledge, Lesotho has few mineral resources of the kinds which have contributed so largely to the larger national incomes of other African countries. Seventy-five percent of Lesotho's 30,355 square kilometers is steeply mountainous with limited use for agriculture. The remaining territory, where a great proportion of the population lives, consists of soils which are deficient in many respects and which have been subjected to many decades of over-exploitation.

Despite the depleted state of the soils, land remains a highly valued resource because of the expectation that it will provide a relatively important source of income in an uncerain future. As land becomes scarcer, and its distribution more problematic, it has given rise to increasing doubts about the traditional system of land allocation. The result has been the adoption of a new land allocation system which is intended to replace the traditional one.

1.2. THE PURPOSE AND OBJECTIVES OF THE STUDY

The purpose of this thesis is to analyze the Village Land Allocation Committee (VLAC), introduced by the new system of land allocation, and to determine its effectiveness in managing land at the community level in Lesotho. The analysis concentrates on the actual functioning of the VLAC's, the community members' perceptions of the VLAC's, the District Land Allocation Officers' evaluations and lastly, the extent to which the new land law governing the VLAC's effectively addresses the crucial land problems in Lesotho.

It is hoped that the conclusions drawn will be an important input to future land management policies in Lesotho and elsewhere. They should be of interest to those interested in using legislation to effect social transformation in a relatively traditional society. The study's specific objectives are:

(a) to generate information about historical and contemporary land management and land allocation in Lesotho;

(b) to determine the community members and government officials' perceptions of VLAC;

(c) to analyze the operation of VLAC's and determine whether land allocation is connected to the overall land use planning; and whether they are more rational in their decisions, fairer to the contending applicants and better address the more pressing community land problems than the traditional system;

(d) to secure from government officials and community members their evaluation of VLAC contributions toward land management at the community level; and

(e) to generate conclusions that may be useful in developing policy recommendations.

1.3. THE STATEMENT OF THE PROBLEM

The implications of a rapidly growing population on a limited land base have been the soure of major land management problems in Lesotho. As demand exceeded supply, the pressures grew for the chiefs to allocate more and more sites. The chiefs allegedly began to accept bribes and to serve a few favoured members of the community. In an attempt to do something for the people, the government adopted the idea of democratizing land administration through VLAC **but** does not seem to have realized the need to adjust land allocations in the light of increasing population pressure and the decreasing arable land because of soil erosion and settlement expansion. One aspect of this study therefore, will be to analyze the extent to which VLAC has led to positive adjustments to the decreasing area of arable land.

Although central to defining the role of "being a chief" the question of chiefly

power and land administration has long been contentious. The traditional land allocation system has often been criticized for being open to abuse since the chiefs worked alone and without any checks and balances. It was also felt that chiefs did not allocate land fairly and impartially and therefore, were not the best agents for administering so valued an asset. The thrust of the criticism can be summarized by saying that it has long been felt that land should be brought under a more democratic and rational system of administration and that opportunities for abuse should be curtailed. Thus, in 1979, Lesotho set in place a new modern legal framework for land administration, The Land Act of 1979, which provided for the establishment of VLAC's with representatives o. community members in decision making on the allocation of land, its management and use. However, this is a solution whose results in practice depend on the extent to which the community members are really involved in the decisions making process of the VLAC. This study will therefore in part, examine the VLAC's decision-making process and determine the extent to which the community members are in fact involved in it.

While the devolution of land administration functions to local institutions is in theory a sound one and satisfies the needs of the community members in a variety of ways, it was established by Dalberg (1988) that VLACs did not give the impression of functioning well since they did not seem to have a clear understanding of their duties and role. Another aspect of this thesis will therefore be to investigate the actual functioning of VLAC's, what they perceive to be their role and review the land allocation procedures under the Land Act of 1979.

While the community members in Lesotho are the people who are mostly affected by land allocation decisions, their knowledge of the role of VLAC, before this study was undertaken, seemed to be confused and generally emphasized the negative aspects, a position often based on lack of adequate information. The study therefore, in part attempts to analyse community members' perceptions of the VLAC and to clarify possible misinterpretations.

VLAC's capacity to control the allocation of land has been seen by many as a strategic tool for determining a desirable land use pattern (WCARRD 1982; World Bank 1980; Mosaase 1984). Another aspect of this thesis is an investigation of how the VLAC functions relate to the overall planning process and identification of policy implications related to the need for such integration.

1.4. DATA COLLECTION METHODS

The procedure used in carrying out the study may be divided into two phases, viz.
a) Review of relevant literature and an analysis of government publications; and

b) a field research carried out through questionnaire survey (structured interviews) in six selected areas as detailed in Table 2.

The six areas were chosen on the basis of their location in different regions, i.e., two areas were chosen from the highlands, two from the foothills and two from the lowlands. The main reason for choosing areas from different regions is that Lesotho is divided into three provinces or zones which broadly determine land use. For instance, in the highlands the predominant land use is livestock production, while the lowlands are mainly used for cultivation since it is where the most arable land is found, while the foothills have a mixture of cultivation and grazing. Selecting sample areas on the basis of their zonal location was therefore seen as crucial in ensuring a wider coverage of land management issues in different settings. Two communities per region were chosen for study in order to make the sample more representative.

Three sets of questionnaires were prepared and respectively deal with:
(a) VLAC members' perceptions of their roles and procedures - this questionnaire was used to interview all available VLAC members or 34 respondents in the selected areas.
(b) Community members' perceptions of VLAC - this questionnaire was used to interview ten percent of all villagers or 239 community members in the selected areas.
(c) Government's officials' perceptions of VLAC - there is one Government Land Administration Officer per district responsible for all VLAC's in that area. This questionnaire was used to interview all available Land Administration Officers or 5 government officials in the selected areas.

Mainly open-ended questions were asked to ensure a thorough coverage of important response areas. English translation of the questionnaire are included in appendices B1, B2 and B3. Sesotho versions were administered to the respondents.

1.5. ANALYSIS OF THE FINDINGS

Analysis of the findings was focussed on determining the effectiveness of VLAC's in managing land at the community level. The analysis consisted of four elements:

a) Analysis of the role and procedures of VLAC's as perceived by the committee members provided a framework for understanding the extent to which VLAC members were clear about their duties;
b) Analysis of the provisions of the Land Act of 1979 regarding the allocation of land examined the extent to which VLAC was more rational and fairer to the

contending applicants; it examined the extent to which the land allocation process was integrated with the overall planning process; and also the extent to which these provisions addressed the major land problems;
c) Analysis of the Community members' perception of VLAC; and
d) Analysis of the District Land Allocation Officials' evaluation of VLAC's looked at the officials's judgement of successes and failures of the VLAC's and their functions in the foreseeable future.

1.6. ORGANIZATION OF THE THESIS

Chapter two of the study describes the salient features of the study area to provide the necessary background for the treatment of land management and land allocation problems in Lesotho.

Chapter three presents an overview of land management at the community level in Lesotho. It is theoretical, but with a systematic approach aimed at providing some background to the changes in the land tenure system and the evolution of the Village Land Allocation Committees.

Chapter four contains the results of the field research which are then interpreted and analyzed in chapter five. Finally, chapter six presents a summary of the main findings and conclusions of the study.

CHAPTER 2. SALIENT FEATURES OF THE STUDY AREA

2.1. *GEOGRAPHICAL SETTING*

Lesotho is a small, mountainous country completely surrounded by South Africa, with an area of 30,355 square kilometers and an altitude ranging from 1500-3400 meters above sea level(see Fig.1)

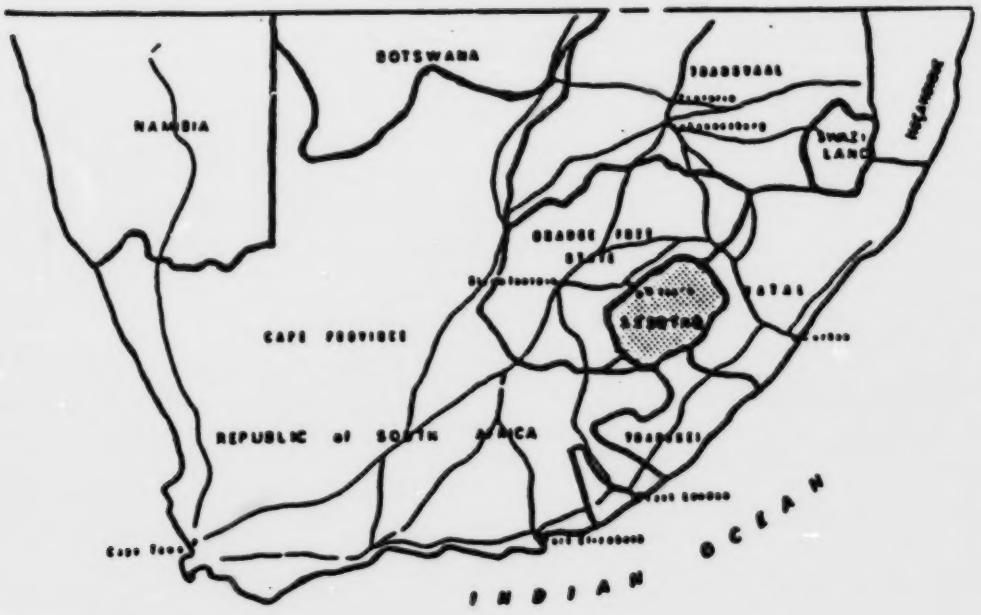


Figure 1. Location Of Lesotho In South Africa

The territory of Lesotho can be divided into two physical provinces (Bawden & Carroll, 1968); the mountain province in the east comprising about 75 percent of the entire area, and the lowland region in the west. The two provinces are separated by the foothill region. In the South East, the Orange River valley constitutes a slightly different and immediate landtype. Figure 2 shows

Lesotho with districts and provinces as published in Bawden & Carroll (1968).

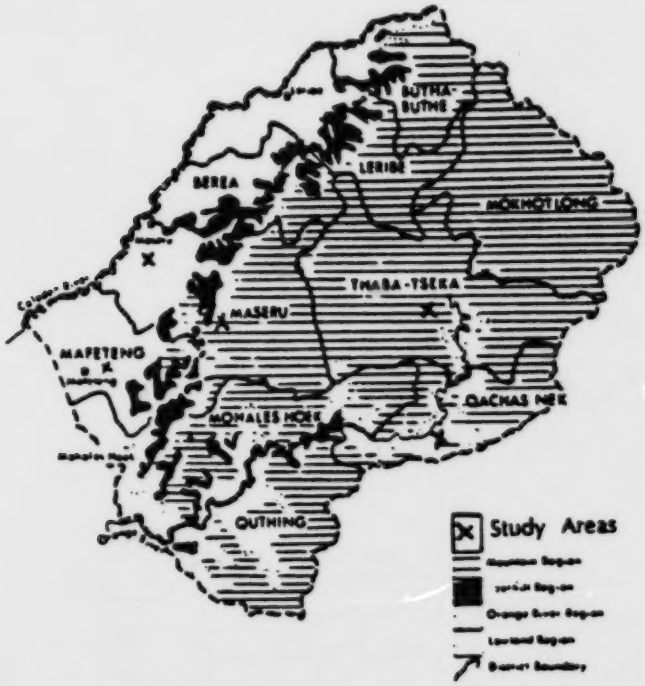


Figure 2. Provinces and Regions in Lesotho

2.1.1. Field Study Areas

The location of the six areas examined in this study are shown in figure 3. The areas were chosen in pairs within similar physiographic regions. Two of the areas lie within the mountain province and are situated in the Thaba-Tseka (Mohlanapeng) and Qacha's Nek (Mosuoe-Tsepiso) districts, while the other two are in the lowlands and are situated in the Mafeteng (Mathebe) and Maseru (Matukeng) districts and the last two lie within the foothhill region and are situated in the Berea (Mahlatsa) and Leribe (Lisoloane) districts. The local names of the study areas are presented in brackets.

2.2. *GEOLOGY AND SOILS*

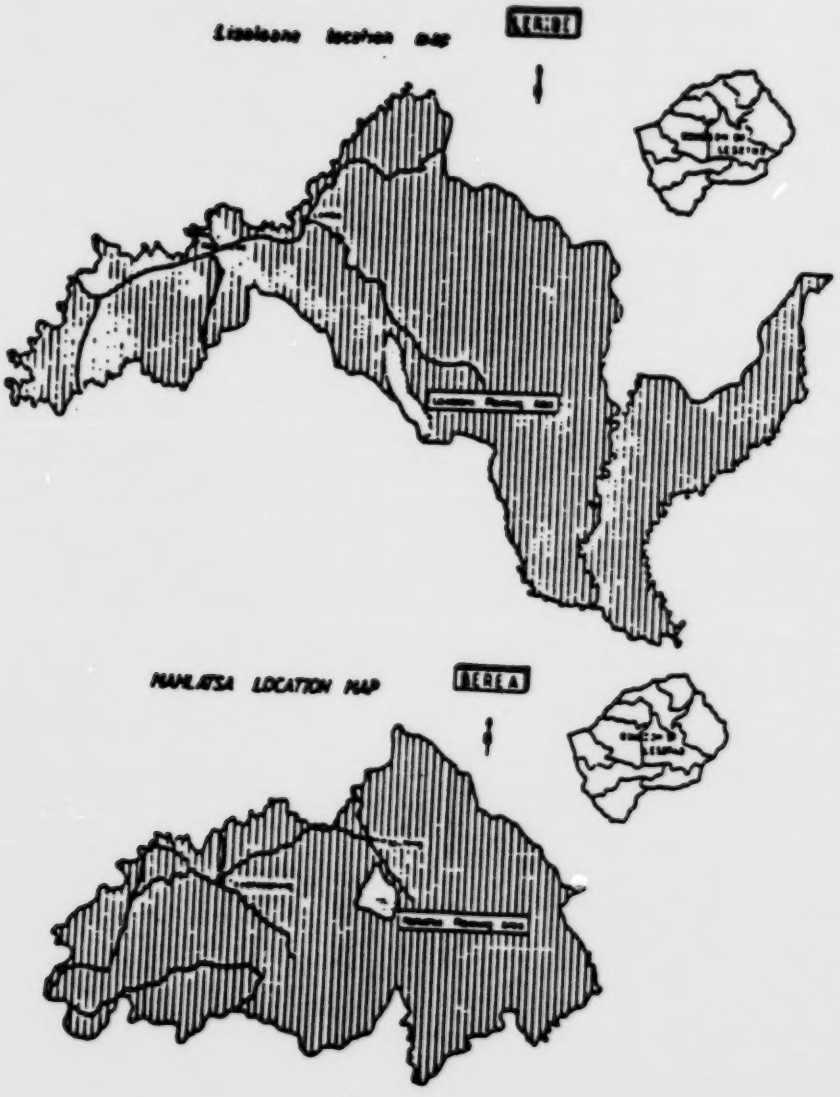
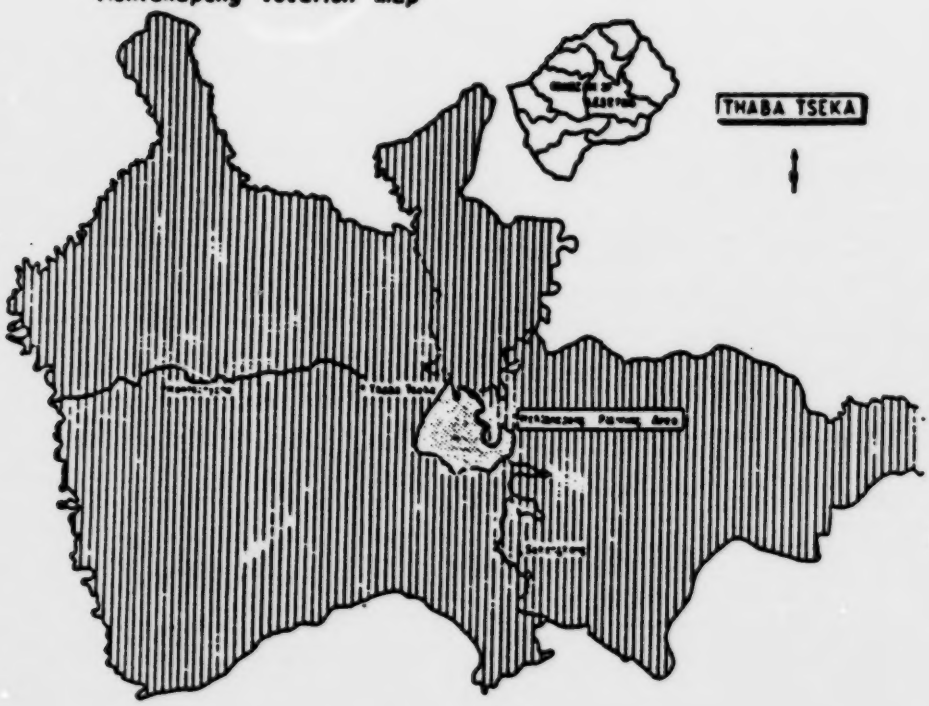


Figure 3. The Location of Study Areas

For an agrarian nation, the soil is one of the most fundamental resources. The type of agriculture as well as the general levels of activity and prosperity depend upon the natural soil endownment and upon the management which maintains and improves this endownment, or alternatively degrades it. Thus, no geographic picture of Lesotho would be complete without some mention of soil and geologic

Mohlanapeng location map



-LOCATION MAP
MOSUOE- TSEPISO PLANNING AREA

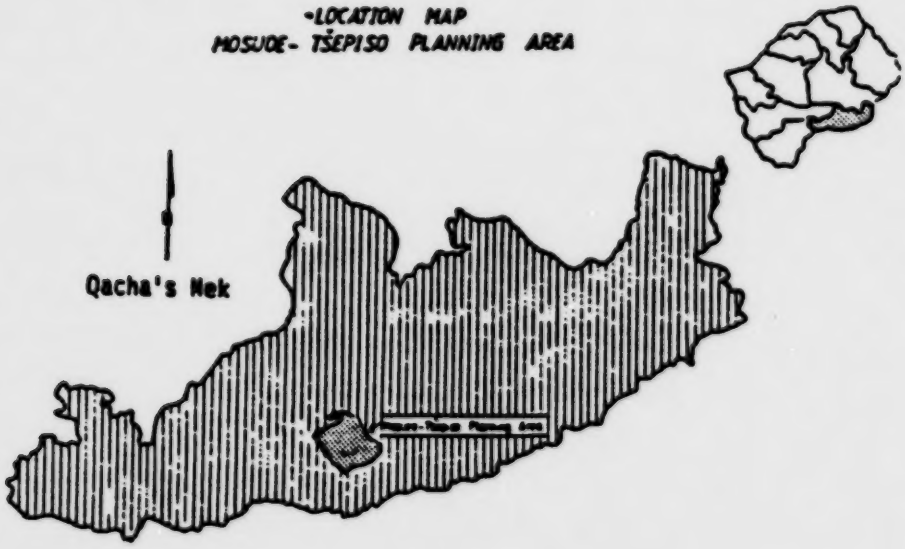
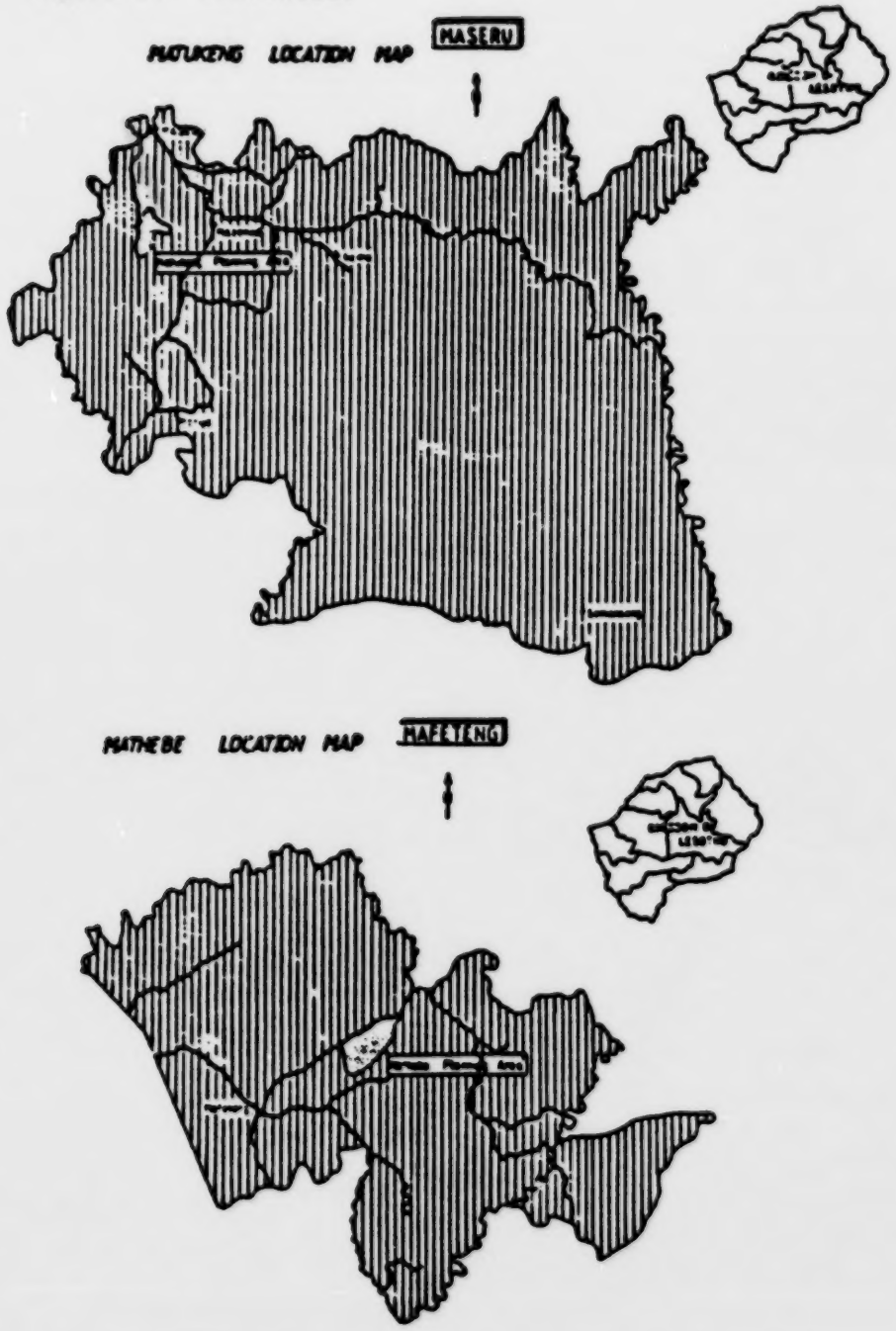
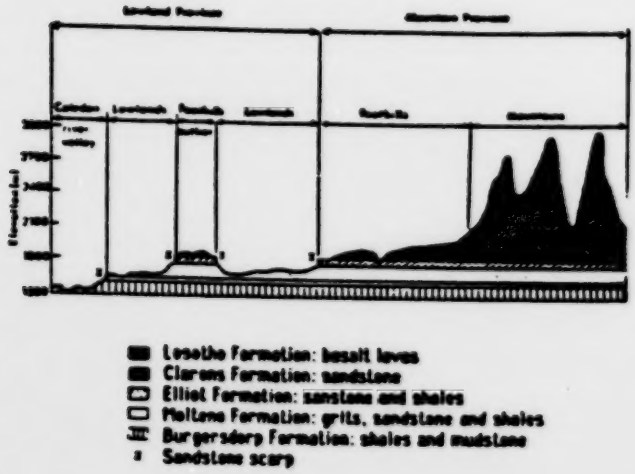


Figure 3. Continued.



description.

The bedrock geology is characterized by a sequence of near horizontal sedimentary strata which are topped by layers of basalt in the mountain province (Nordstrom, 1988)(see fig. 4).


Lesotho Formation: basalt lavas
Clarens Formation: sandstone
Elliot Formation: sandstone and shales
Molteno Formation: grits, sandstone and shales
Burgersdorp Formation: shales and mudstone
Sandstone scarp

(Source: Nordstrom, 1988)

Figure 4. Sedimentrary Strata Of Soils

The sedimentary strata outcrop in the lowlands at different altitudes, forming escarpments. The escarpments consist of steep debris slopes under a resistant bedrock layer with gently sloping planation surface above (Schmitz 1984; Berding 1982). The country is crossed by dolerite and kimberlite dykes which sometimes cut through the whole sequence of strata (ibid.). The different geological formations have given rise to different soils of Lesotho, which have been described in detail in "Soils of Lesotho" (Conservation Div., 1979a),(Cauley 1986), and (Nordstrom 1988), from which the information in the following three paragraphs originate.

The mountain and foothill consist of volcanic rock (basalt). The rocks are moderately weathered and have given rise to dark colored and favorably structured,

neutral soils. Soils developed form the Clarens formation (sandstone) are found on the plateaus overlooking the lowlands. They are sandy, light or dark colored and strongly acid soils. Below the escarpment, on the true lowland portion, soils are found that have developed from fine subsoil materials derived from the Molteno and Elliot Formation and alluvial and colluvial sediments.

Conservation Division (1979a) recognized and described five duplex soils in Lesotho, and Cauley (1986) added another one to this group. They are typically lowland soils found along valley bottoms and characterized by extensive gully systems. In the mountain and foothill zones, the volcanic soil is friable in texture and the top soil erodes more easily than the sub-soil. The result is that whereas gully erosion, which in many cases have reached bedrock, is a spectacular feature of the lowland zone, sheet erosion; is more characteristic of the mountain zone. Figure 5 presents an example of a severe case of soil erosion in Qachas' Nek district exposing the bedrock.

Lesotho is thus faced with a problem of a limited and deteriorating land base due to fragile soils which also rest on gradients that are too steep for normal stability. The task of determining the proper balance between producing optimum yields in line with the carrying capacity of the land is a serious challenge.

The problem of soil erosion has also resulted in low fertility of the soil; low productivity in farming; a deficit in food production; and lack of income incentives and gainful employment opportunities in agriculture. These have in turn, increased the dependance on remittances from South Africa, where Basotho generally migrate. However, if migrant numbers decline, negative per capita growth rates will follow swiftly in Lesotho unless the domestic economy can provide off-setting stimulii.

2.3. *CLIMATE*

The climate of Lesotho is classified as temperate, characterized by warm, moist summers and cold, dry winters (Carroll and Bascomb, 1967). Temperature averages about 20 degrees centrigrate in the lowlands with winter temperatures frequently dropping below zero at night. In the mountain areas, the maximum average is 20 degrees centrigade and the minimum -7 degrees centrigade. Snow is common in the mountains for considerable periods of the winter months. Though it occasionally snows in the lowlands, the snow never stays on the ground for any length of time. Frost occurs throughout winter months, and is a powerful agent of mechanical weathering (Carrol & Bascomb, 1967). At times frost occurs during the time when crops are growing, causing considerable damage.

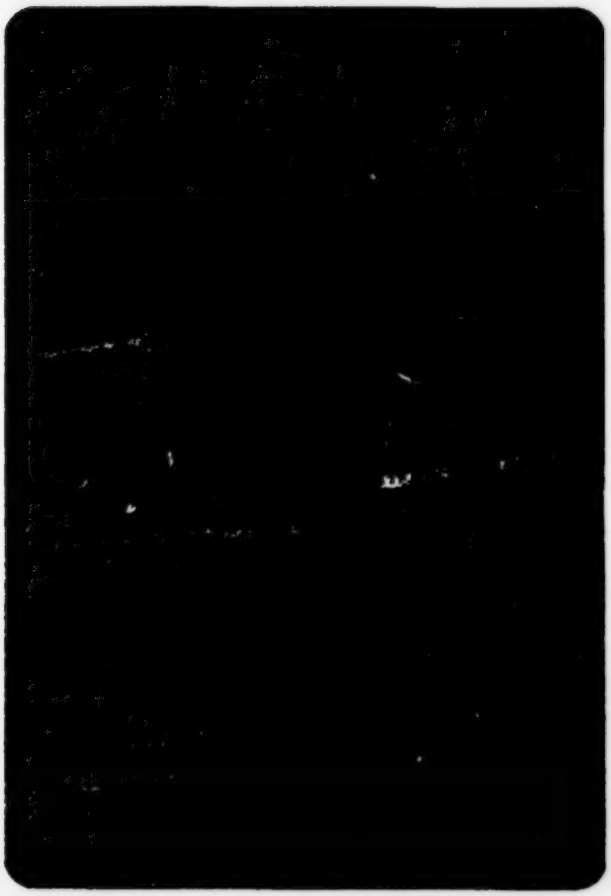


Figure 5. Severe erosion in Qachas Nek

Like temperature, rainfall is also related to topography. Mean annual rainfall increases with altitude with local effects superimposed (LSPP, unpublished article; Scherer, 1978; Smithen and Schulze, 1982). The lowlands receive between 600 to 900 mm while in the mountains annual rainfall ranges between 1000 mm and 1300 mm. The Orange river valley receives the least rainfall, averaging 500 mm. 85 percent of the annual total rain falls during the summer months of October to April with maximums in December and January. Minimum rain falls in the winter months of June and July when less than 5 mm are often recorded. The summer rain fall is highly desirable as this is the growing season for the country's major crops namely maize, sorghum, beans and peas. Drought is a common phenomenon and usually affects the whole country. During periods of drought in the mountains animals die while the lowlands experience crop failures. Periods of drought are estimated at two or four years duration during each decade (Food & Nutritional Co-ordinating Office, 1984).

Tyson and Dyer (1975) analyzed meteorological data for the summer rainfall region in the Southern Africa since 1910 and concluded that there is an oscillation of 18.65 years between 9 to 10 year long wet and dry spells, i.e. periods when, on an average, there is less than normal rainfall and vice versa. They also detected 2 shorter oscillation periods of 2.35 and 3.65 years that contribute to the annual deviations. Tyson (1981) tentatively suggests that the longer oscillation is linked to fluctuations in the position of the subtropical heights of the Atlantic and Indian Ocean for which a 19 - year oscillation period has been found. Annual variations within the dry or wet spells do exist, i.e. a dry year within a wet spell or the opposite. Eckert (1982) compared Tyson and Dyer's findings with the rainfall in Lesotho since 1910 and concluded that the pattern also applies here.

Other negative climatic factors include hailstorms which are prevalent in the summer months and which cause great damage to crops and property. Most parts of the country can expect seven to eight hailstorms each year (Yahamaya, undated). Dust-storms also occur frequently damaging and eroding the soil.

While average rainfall and temperature levels in Lesotho would both be considered acceptable for crop growth, the climate seems to be characterized by unusually high levels of variability - the irony here is that the mountains, which are otherwise unsuitable for agriculture, receive the highest rainfall while the lowlands receive insufficient rain during the growing season. Drought is common and results in poor crop production which in turn results in famine. During period of drought agriculture's contribution to GNP drops. The country's state of dependency continues as more aid is sought, in terms of both food, money and technical assistance to implement development projects if not for day to day survival.

2.4. THE ECONOMIC SETTING

While a detailed macro-economic background is beyond the scope of this study, the basic economic parameters are outlined here to provide an understanding of the urgent need for sound land management practices in Lesotho.

The economy of Lesotho has been variously described as a dual economy, a least developed economy, an export-import economy and a dependent economy (Bur. of Stat. 1979; Murray 1981;WCARRD 1982; FAO 1982; World Bank 1980). These descriptions focus on the crucial importance of foreign trade. At independence Lesotho inherited an economy that was highly dependent on external trade. Productive activity was oriented towards the supply of a few primary commodities for export and consumption was limited largely to imported goods (Morojele 1983; Eckert 1980; Wallis & van de Geer 1984).

Although agriculture is the largest sector, its sectoral share of the GDP at current prices has fluctuated during the ten year period ending 1984. National income was, however boosted in the same period, not by agriculture but by the massive increases remittances from migrants employed in South Africa. For example, the average salary of mine workers was estimated to have increased by 14.0 percent in 1984 and constituted 51.4 percent of GNP (Bur. of Stat. 1987; WCARRD 1982).

This situation exposes the first major bond of external economic dependence; placing Lesotho in the position of having its rural income and development largely determined by exogenous factors and policies (Spiegel, 1980). Furthermore, there has been much speculation regarding the future of this external source of income. According to WCARRD (1982), there will be a considerable reduction arising from increasing mechanization in the South African mines, South Africa's policy of giving preference to its own unemployed and those from the "homelands", as well as longer-term contracts for more experienced workers.

Lesotho is a member of the South African Customs Union (SACUA) (LASA, 1978). This relationship has both advantages and disadvantages. According to Murray (1981), on the positive side, Lesotho has, with some exceptions, free access to a large market with great purchasing power. For some agricultural products Lesotho benefits from support prices paid by South Africa. However, the principle detriment is the severe constraint imposed by providing a free market for South African goods, undermining not only the possibilities of industrialization, but subjecting Lesotho's agriculture to competition against more effecient production on terms and prices decided by South Africa (Lesotho, 1980).

The implications go even further. Since commodity prices in Lesotho mirror those in South Africa, the local farmer faces a price structure set for a land and labor-extensive and capital intensive agriculture. Needless to say, given the shortage of capital, land and lack of effective land management policies, the producer is hardly in a position to compete with South Africa's agricultural products (LASA, 1980). For example, in the neighbouring Orange Free State, white-owned farms average 1230 hectares with a total per farm investment including land of R452,536 (LASA, 1978). Consequently Basotho farmers face a relative price mix that does not reflect their relative resource mix at all. Even with production levels equal to those on the best South African farms, it is doubtful that Basotho farmers with an average of 2/3 acres of land and no equipment or investment capital can compete with South Africa's agricultural products.

All these facts lock Lesotho into an intimate economic relationship with South Africa. However, this state of dependancy cannot continue forever and it is therefore urgent for Lesotho to build strong land management policies that will help

the country to face this challenge.

2.5. *POPULATION AND LAND USE*

2.5.1. Population

It has been mentioned earlier that Lesotho is a mountainous country 75 percent of which is 3,000 above sea level. Most of the population is concentrated in the lowlands and foothills which constitute about a third of the land area (Morojele, 1963c; Bur. of Stat., 1972, 1988).

The population is homogeneous with more than 98 percent of the de-facto population being of African origin. Sesotho language is spoken and understood throughout the country. In 1986, the population of Lesotho was 1,477,000 (Bur. of Stat., 1987) and the number of rural household around 280 000, with an average area under cultivation of about 1ha/household, and an overall density of 51 persons per square kilometers.

Compared to other African countries the population growth rate for Lesotho has not been very high, but because of its terrain this growth could strain its limited resources. In fact, according to The Bureau of Statistics (1988), the proportion of landless households in the rural areas is estimated to have risen from 12.7 percent in 1970 to 25.4 percent in 1986. Thus a problem of land shortage in Lesotho will continue to be the greatest challenge for policy makers and planners for several decades until methods are devised to bring the population within techno-environmental carrying capacity of the land.

2.5.2. Land Use

There are two predominant types of land use in the study areas, namely agricultural and non-agricultural. Agricultural land use include cultivation practised in the lowlands and livestock farming in the mountain region. Under non-agricultural land uses, settlement, is the main category. The lowlands are more intensively settled than the other regions. Because of the limitations offered by the country's topography, the remainder of the country's land remains wasteland that cannot be put to much use. This includes escarpments, rocky, steep and gullied land.

2.5.3. Agricultural Land Use

Agriculture is the predominant economic activity in the study areas, though its contribution to GDP is declining. The lowlands are mainly used for cultivation of crops: maize, sorghum, beans, peas and wheat. In the mountain areas the predominant land use is grazing, while the foothills have a mixture of cultivation and grazing.

2.5.3.1. Cultivation

As already indicated above (section geology & soils) the soils in Lesotho are of poor quality and thus susceptible to erosion. Despite this fact that land is intensively cultivated and because of population pressure, much of it has been fragmented into small units. This, coupled with lack of soil consevation, has resulted in widespread sheet or gully erosion. Figure 6 shows the extent of erosion on some cultivated lands in Mosuoe-Tsepiso community. It is estimated that soil erosion decreases the country's arable land by 2 percent per annum (Chakela 1974, 1987; Nordstrom 1986,). The erosion of the top and most fertile soil has resulted in the loss fertility accompanied by declining crop production (Bur. of Stat., 1987c).

Despite the fact that agriculture is the most important economic activity in the lowlands, cultivable land is becoming scarce, both in absolute and relative terms. In absolute terms because as shown above, the land is being eroded by 2 percent each year and fertility is declining (Potter, 1982; Nordstrom 1988). In relative terms because as a result of increasing population pressure, an increasing proportion do not have access to land and must therefore seek alternative income earning activities.

2.5.3.2. Livestock Farming

Livestock farming is practiced mainly in the mountain region and to lesser extent in the foothills. Like in the lowlands the natural resource with supports this land use is also under threat. This is due to overstocking which in turn leads to overgrazing. CPDO (1984) estimates for 1981 show that the number of livestock exceeded the carrying capacity of the land and has led to serious overgrazing and erosion problems. Overgrazing also threatens the vegetative cover of the mountain sponges which form the sources of Lesotho's rivers (Pim 1935; Morojele 1963; De Geer & Wallis, 1984; Lawry, 1982; Potter, 1982).

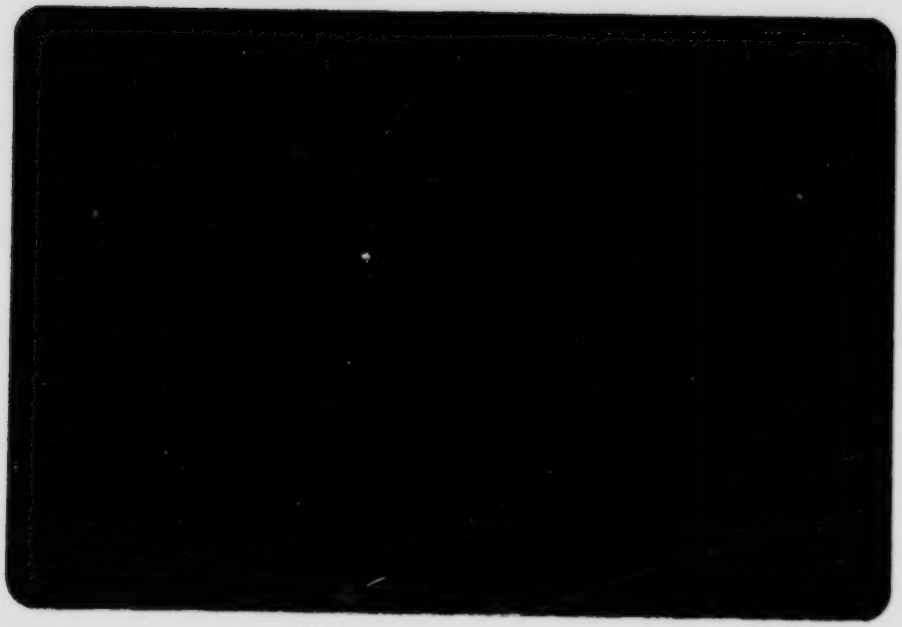


Figure 6. Erosion in Mosuoe-Tsepiso

Nonetheless, livestock products are one of the country's main exports. Lesotho is an important world producer and exporter of wool and mohair.

2.5.4. Non-Agricultural Land Use

2.5.4.1. Settlements

Traditional Basotho villages were located mainly on the north-facing mountain and hill slopes (Makhanya, 1979). The flatter land was preserved for agriculture. This was a defence against invading enemies during the wars that ravaged Southern Africa in the early years of the nineteenth century (Sheddick, 1954). The steep slopes were less accessible while the buildings tended to blend in with the surrounding rocks to offer a natural camouflage (ibid.)

In recent years, due to population pressure and lack of proper control measures this pattern is changing. Settlements, particularly in the lowlands on the outskirts of the bigger towns are becoming more dispersed, with little or no regard for the preservation of good agricultural land. The main consideration seems to be accessibility, especially to roads and commercial centers and the increasing illegal allocation and sale of land. Thus ribbon development along major bus routes has become a common phenomenon.

2.6. *CONCLUSION*

Lesotho's geographic reality has a negative influence on the country's socio-economic development. Lesotho is one of the smaliest countries in the world and it is surrounded by the Republic of South Africa, which has policies that adversely affect it. This puts the country in a dependent and vulnerable position.

Lesotho's soils are highly erodible and its inhabitable terrain has led to over-concentration of population in the lowland regions which represent about a tenth of the country. Overpopulation has, on the other hand, triggered overstocking and overgrazing. The above factors threaten the land which is the most valuable resource in Lesotho.

There is also evident competition between the use of land for settlements on the one hand, and agriculture on the other. This, plus a lack of planning has led to encroachment of settlements on grazing and agricultural areas and noticeable illegal land allocation and land sales. Unless more serious measures are taken, scarce arable land is going to disappear under settlements.

The legislation intended to address the land allocation aspect of the above problems was introduced as the Land Act 1979. Among the major changes introduced by the **Act** was the removal of the land allocation power from the chiefs to Village Land Allocation Committees.

CHAPTER 3. LAND MANAGEMENT IN LESOTHO

3.1. INTRODUCTION

Lesotho's approach to the problems of land management, declining agricultural production and development has not been very different from strategies found in most Sub-saharan African countries. This is particularly the case with respect to land tenure, or the extent to which the administration of land is seen as an important factor contributing to the realization of policy objectives in development.

The land tenure system of Lesotho has received a great deal of attention since it was first examined in 1978 (Eckert, 1980). Over the intervening decades a substantial literature has accumulated representing several perspectives. Significant portions constitute descriptive material, generated in this unique example of a Southern African land institution.

A major focus of attention has been upon the supposed inhibiting effects of traditional tenure practices. The most voiced concern being the inadequacy of the security of tenure (Eckert, 1980). Adequacy is variously defined, but most writers seem to be concerned with a sufficient permanence of one's land use rights to provide incentives for investment in modern agriculture, soil conservation and soil fertility (ILO, 1979). This concern is expressed primarily in Sections 7(2) and 7(3) of the Laws of Lerotholi which until 1979 were the formal legal basis for land tenure (see appendix A1). These laws provided for frequent inspection of lands by the Chief or Headman and for resciding allocations. The grounds for revoking an allocation in the Laws of Lerotholi are: a) land that is thought to be in excess of the household's subsistence needs and; b) land which had not been "properly cultivated" for two successive years is then reallocated to those with inadequate holdings (Eckert & Mohapi 1980; Lawry 1988). One criticism of the traditional land tenure system was that the chieftainship exercised these powers without adequate checks and balances to ensure "fairness and impartiality" (Quinlan 1983; Sheddick 1954). In short, the deficiencies of the traditional system were blamed on the chiefs who were allegedly abusing the system by accepting bribes and serving only a few favoured members of the community (Stimela 1975; ILO 1979; FAO 1980; Williams 1972; Perry, 1987).

The corrective measure proposed for this problem was the Land Act gazetted in December 1979. The **Act** officially took effect on June 16, 1980, at which time the Ministry of Interior became engaged in the prepatory work of training,

organizing and staffing required for implementation.

The **Act** reflects an awareness of the major problems that have been attributed to communal tenure. The legislation modifies the inheritance laws; introduces agricultural leases; strengthens individual tenure rights; and establishes Village Land Allocation Committees (VLAC). (Mosaase, 1982,1984; Mashinini, 1983; Williams 1972).

3.2. LAND TENURE

Several books and articles have been published on the land tenure system of Lesotho. The publications by authors such as Sheddick 1954, Phororo 1979, University of Chicago Team 1963, Stimela 1975, Murray 1976, Cowen 1967, Williams 1972, Makhanya 1979, Mashinini 1983. were based on fieldwork and reveal a number of interesting features of the land tenure system of Lesotho. However, it is beyond the scope of this thesis to present a detailed analysis of the whole range of social, economic and political implications of the system - rather a brief exposition of selected features of the system that may be relevant to the discussion in chapter 5 of this study will be presented.

The traditional system of land tenure in Lesotho is communal in the sense that all land belongs to the people as a whole and is administered on their behalf by the chieftainship. As such, land could not be owned privately or administered and disposed of by any individual or group without reference to the community that used it (Sheddick, 1954). Effectively, no individual could claim exclusive use of land, and only had access to it as long as the occupant was a resident of the community. In short, the Basotho people had usufructory rights to land. The power to allocate land was vested in the office of the Kings who acted as trustee for the nation (Mashinini 1983; Makhanya 1979).

One of the distinctive characteristics of Lesotho's land tenure is its recent origin. Until the middle of the 19th Century, the Basotho people settled on their land which provided ample resources relative to need (Quinlan, 1983). There was therefore, little requirement for formally specified procedures governing land rights and land use (Eckert, 1980). During the period 1836 to 1870 the Basotho experienced land ownership difficulties created by the Boers who emigrated from Cape Colony in what was termed the "great trek". Pursuing game and pasture, parties of these Boers came as far as the Basotho frontier, remaining at first only for short periods. Initially the Boers were accepted, but as time went on their visits became prolonged and began to assume the appearance of permanent settlement. According to a memorandum written at the dictation of Moshoeshoe 1,

King of Basotho, he regarded these visitors as tenants whom he had assigned a resting place (Makhanya, 1979). The emigrant Boers, however, being aware that no defined territorial boundaries existed, claimed the right to the land upon which they settled, claiming that it was derelict, and theirs by virtue of occupation (Langden 1909).

According to Sheddick (1954) this difference in the concept of land ownership resulted in a series of disputes and wars in the 1850's. This ended ignominiously in the defeat of Basotho and the loss of considerable land to the Orange Free State in South Africa (see fig.1). The loss of arable land to the Boers plus the agglomeration of many kinship groups onto the limited remaining area created the need for more explicit attention to land rights. Moshoeshoe I, in 1905, therefore established a principle that all land was the common property of the Basotho nation, held in trust for the people by the paramount chief (LASA, 1978). This principle was further strengthened by the fact that during the colonial period there was continued effort to incorporate Lesotho into the Union of South Africa. This was only abandoned in 1950 when the South African Government adopted a policy of apartheid (Barnes, 1932).

3.2.1. The Allocation of Land

Although the power to allocate land was vested in the office of the King, its actual administration was entrusted through a process of decentralization to the hierarchy of chiefs, sub-chiefs and headmen (Perry, 1987). For example, a principal chief was in charge of land allocation within his ward, yet responsibility for the process was delegated to the hierarchy of political authorities under him. However, it must be pointed out that the power of the King, chiefs and headmen to allocate land was not necessarily a right as some writers infer. It was a duty (The Laws of Lerotholi, Act no. 22 of 1968) and as Hamnett (1975) puts it, was actually an "institutional mechanism whereby the national ownership of the land is given practical expression".

Land allocation was intended to ensure the subsistence requirement of each Mosotho (Mashinini 1983; Denis 1987; Williams 1972). It included a residential site with or without a garden, depending on local conditions, and three parcels of land for cultivation. There was no standard area for the size of these parcels and they differed according to topographic conditions. In 1937, they averaged two acres (0.81 ha) in the mountain areas and three acres (1.21 ha) each in the lowland zone (HMSO, 1937).

Grazing land and lands with resources such as building material, trees, wild plants

or thatching grass, were never allocated to individuals and were therefore wholly communal (Makhanya, 1979). According to Eckert (1980) the foundations of the land tenure system in Lesotho were equity and subsistence. This meant that the amount of land a villager held was determined more by what was regarded as an individual's subsistence needs rather than the occupant's capacity to farm.

3.2.2. Planning and Participation in the Traditional Context

Since land was and is still to a large extent, the primary factor of production in Lesotho, tenure and administration has had an important social role. Traditionally the administration of land was decentralized to the hierarchy of chiefs (Quinlan, 1983; Cowen, 1967). Figure 7 presents the boundaries of the jurisdiction areas of the principal and ward chiefs as published in Gattinara (1984).

Figure 7. Chieftainship Boundaries

However, an exception to this pattern of decentralized authority occurred in the cattlepost - areas covering large tracts of mountainous open grazing. These areas

were administered directly by the higher chieftainship with little or no delegation to junior chiefs in order to recover the pasture from overstocking and to encourage the restoration of grass cover. This duty to administer range management practices *maboella*, though vested in the paramount chief, could within certain territorial units be delegated to inferior chiefs. The chiefs with such delegated power were empowered to control grazing for the purpose of promoting the growth of pastures and thatching grass though the system could also be applied to preserving treed areas, reed beds and the crop residue of lands which had been harvested. Occasionally, the chief could set aside an area for exclusive use of one class of stock such as race horses, sick cows, dairy cows etc., (LSPP, 1988).

Arable fields were marked out by the chief who gave them to individual occupants. The chief opened such lands for communal grazing once the crops had been harvested. Traditionally the owner was not allowed to plough the land before the chief gave the signal for general ploughing. The signal would also be accompanied by a warning to herd owners to keep their livestock off the lands. Normally there would be an annual inspection of lands to determine which lands had not been cultivated for some period of time, and identify which families possessed more fields than sufficient for their needs. Land not cultivated for more than two years belonging to families who possessed more than enough would be taken away, and given to those in need. The chief also controlled the use of trees and thatching grass. Permission had to be sought to cut or damage trees in any way or to cut grass for thatch (Duncan, 1960).

3.2.3. The Right to Use Land

In the rural areas every family head had usufructury rights to land (Guillamord, 1971). When a landholder ceased to use the land, such as during the period when the land was open to common grazing, his rights were greatly reduced; and when, in the opinion of the chief and his advisers, a landholder failed, for some reason or other to cultivate his land, he might have to forfeit it (Lawry, 1988).

According to Quinlan (1983), an applicant for arable land was generally (a) a married Mosotho male and (b) a taxpayer. Taxation money was required by the British Imperial Government, which after the Boer conquest of the Orange Free State, arrogated to itself certain important rights. For instance it retained the right to police the border between Lesotho and Orange Free State for the maintenance of peace, and with it the right of taxation to secure the money required to "defray the cost of a minimum degree of administration". It also retained the right to take land for Government camps, polire posts, roads etc. Thus, Sheddick (1954) believes that the process of British Colonial intervention also shifted the emphasis of the chief's authority to a process whereby they began to be administrative agents of the colonial rule.

Murrary (1981) maintains that limiting the allocation land to married men originated from the idea that land was only granted to provide subsistence for the family group. It should be noted, however, that the most clearly defined practices were intended to accommodate a traditional agriculture not exposed to external markets and pressures for economic development. Prior to marriage males remained an integral part of their father's household.

The first step in acquiring rights to land was an application to the local headman for a dwelling site which normally consisted of approximately one-eighth of an acre. It was not, however, specifically delineated nor were physical layouts ever done (Makhanya, 1979). The application for farming was made to the same headman or chief. When land was plentiful the total acreage allotted to a family exceeded the family's cultivating capacity so that the head of this extended family was able to reallocate portions of his own land to his sons and nephews. Acute land shortage has, however, eliminated this custom and nearly all the land is now administered directly by local headmen.

Land generally became available for re-allocation by death of the former holder, underutilization or by a landholding which, in the opinion of the chief, far exceeded the family's subsistence needs.

3.2.4. Changes in the System of Land Allocation

The system of land allocation was somewhat formalized by a series of reforms instituted in the 1930's and 1940's under the British rule (Perry, 1983). For instance, in 1938, following official concern over proliferation of chiefs, the colonial administration issued the "New Native Administration Proclamation". The intended aim of this Proclamation was to reduce such proliferation and by that measure reduce the number of administrative areas in the country. The Colonial Government, thus, drew up a gazette, listing every principal chief, ward chief and village headman. Thereafter, only those listed in the gazette were recognized by the administration as legitimate authorities in the country (Quinlam, 1983). As a result, the number of chiefs who were officially recognized was reduced to 1,340 (Murray 1981). However, in 1946, the "New Native Administration Proclamation" was replaced by the "Native Court Proclamation" by which only 121 chiefs were empowered to hold court (Hamnet, 1975). The same year witnessed the ratification of the administration's efforts to reorganize the administrative and judicial structure of the country. A National Treasury was established, thereafter, all gazetted chiefs and headmen were to receive regular salaries from the treasury. According to Quinlan (1983), these revisions continued to transform the chiefs' administrative land rights. Whereas in the past it went without saying that chiefs had allocating powers, in the twentieth century that power was increasingly controlled and defined by the colonial administration.

The redefinition of the chieftainship brought into question other aspects of the chiefs' authority. Traditionally, chiefs allocated land in consultation with the land issuers *Matona* who were local elders appointed by the chief. They were expected to know what arable land was available in the chief's jurisdiction, and to assess land applicants' claims (Hamnet, 1975). Ideally, the use of *Matona* provided some community control over chiefs and enabled arable land to be allocated in the interests of the community as a whole, rather than to the advantage of specific individuals. In practice, however, there was room for abuse of this system of land allocation. Chiefs could, for example appoint 'land issuers' who would obey their wishes while the 'land issuers' themselves, could favor kin, friends or those who would return favors (Hailey 1953; Perry 1983).

The system of *Matona* was finally abolished after Lesotho gained political independence in 1966. In 1967, the **Land Procedure Act** was passed with the aim of curtailing abuses on arable land allocation (LSPP 1988; Perry 1983; Palmer & Poulter, 1972). The **Act** provided for a system of the Land Advisory Boards to assist and advise all chiefs and headmen in the allocation of Land. However, the chiefs were not compelled to follow the advice of the Land Advisory Boards. Table 5 presents a partial list of regulations governing land tenure in Lesotho.

These Boards, according to Quinlan (1983), constituted a blantant challenge to the chiefs' authority. Consequently, some chiefs simply ignored them. Williams (1972), on the other hand, maintains that some of these Boards apparently paid only lip service to overcoming the frequent complains of favoritism and bribery in land allocation and generally appeared to generate more trouble than they were worth. Perry (1987), believes that although the conflict over the Land Advisory Boards stemmed partly from the challenge to the chieftainship, it was in fact the political context in which these committees were formed that fueled the conflict and detracted from the effectiveness of the Committees. At that time, the two main political parties in the country, the Basotho National Party (BNP) and the Basotho Congress Party (BCP), were campaigning for electoral support in the rural areas for the 1970 general elections. The result was that the election of the Land Advisory Boards became more a forum for political debate than a means of curtailing the chief's abuses.

The Lesotho Government did appoint a Land Complaints Commission in an attempt to resolve the problems generated by the formation of the Land Advisory Boards, but according to Quinlan (1983) it was ineffectual.

The Land Procedure Act of 1967 was followed by the enactment of the Land Act 1973 by the Lesotho National Interim Assembly in an attempt to control land allocation and improve land administration. Under this **Act**, the newly designated

Partial List of the Legal Framework For Lesotho's Land Tenure

LEGAL AND REGULATORY DOCUMENT	PURPOSE
Laws of Lerotholi	Decisions concerning land allocations have been undertaken under these laws until 1979
Land (Advisory Boards Procedure) Regulation 1965	Provides for the establishment of orderly procedures for the election and functioning of Advisory Boards to advise the Chief in land administration matters
Land (Procedure) Act, 1967	(a) Provides procedure relating to applications for allocation of land; (b) Provides for the election of land advisory boards
Land Act 1973	Provides for the appointment of Development Committees
Land Act 1974	Lays down specifications for membership, selection, appointment, re-election, disqualification and other necessary rules for Development Committees
Land Act 1979	Provides for the establishment of Village Land Allocation Committees

Table 1. Land Regulations in Lesotho

Development Committees replaced the Land Advisory Boards. According to Murray (1981), the significant aspect of this revision lay in the way it allowed for the direct involvement of the government in the election and operation of these committees. For instance, each committee was to include three members appointed

by the Ministry of Interior and four publicly elected by the community (ibid). The three appointed members had to be active members of BNP, the then ruling political party.

Nonetheless, the power to allocate and revoke land was still exercised by the chief within his area of jurisdiction. Therefore, Williams (1972) affirms that although the land Act 1973 was accepted and brought into operation it introduced no major shift from the customary land allocation system. Instead it emphasized the provisions of the Land Procedure Act 1967 and thus, its implementation did not contribute to the improvement of land allocation and land use control.

An additional development in the mid 1970's brought pressure to bear on traditional land use customs. At this time the mining industry in South African increased wage rates by 500 percent in the space of 30 months which increased migration. The fundamental factor behind this migration was the great income differential between what farmers could earn from their land and what they could get in the mines. According to LSPP (1988), this income differential, despite the other costs attached to it, was found to be high enough to induce migration. Obviously, the incentive for serious farming was depressed.

The result was a sharp decline in planted area, a tendency to neglect proper husbandry practices on the remaining the land, and a general stagnation in the agricultural sector (Eckert & Wykstra 1980; Murray 1980). Coinciding with the mine wage increase, planted acreage dropped 38% to the lowest levels ever recorded (4th Five Year Development Plan, 1986). It therefore became an urgent objective of the Lesotho Government to make agriculture more productive and present it as a viable alternative to migration. According to Rugege (unpublished research paper) this strategy was not new in thinking of the Lesotho Government. It had been part of the development effort of post-independence Lesotho, but had not worked as hoped. It was argued therefore, that the main reason why it had not been so succesful was the insecurity associated with the traditional land tenure system administered by the chiefs, who were allegedly abusing the system. Agricultural land was allocated in small plots and could be taken away by the chiefs for a variety of reasons. Neither of those factors was conducive to encouraging full time farming, it was argued.

Given this situation, it was not surprising that in the following years, considerations was given to yet more reforms in land tenure and allocation, culminating in the enactment of the Land Act of 1979 (see appendix A2) and the introduction of Village Land Allocation Committees (VLAC) (Quinlan,1983).

3.3. THE NATIONAL POLICY ON VLAC

The Land Act 1979 maintained the basic philosophy that land is vested in the Basotho Nation and held by the King as a trustee on behalf of the nation. However, the chiefs' powers over land allocation were now delegated to land committees in both the rural areas (referred to in this paper as Village Land Allocation Committees) and in urban areas. In the rural areas, chiefs are ex-officio chairmen of VLAC's. This is different from the provisions of the Land (Procedure) Act of 1967 and Land Act 1974 where committee members' role was limited to an advisory status and the chief had an ultimate say and could overrule their decisions. Some of the functions and procedures of VLAC's by virtue of section (2) of the **Act**, were established under Land Regulations 1974 (land Act 1979).

3.3.1. Objectives

As far as land administration is concerned, the main goals of the policy are to control allocation by bringing land under a more democratic and rational system of administration, to solve the perceived problems of traditional allocation procedures which were considered inefficient and unfair to other members of the community (Land Act 1979; Perry 1983; Makhanya 1979; Bruce 1983).

3.3.1.1. Contents of the Act - General functions of VLACs

Each area has its own hierarchy of land allocation committees. In the rural areas there are now VLAC's in each ward and above them, 'Senior Land Committees' for each district (Lesotho, 1979). The VLAC's are a replica of the earlier 'development committees'. The senior land committees are similar except that they are convened by the Principal or Ward chief of each district and are designed to hear the community members' appeals against decisions of the VLAC's. Unlike the VLAC which has seven members, four elected and three appointed, the senior land committees consist of nine members, five elected at a public meeting and four appointed by the Minister. Quinlan (1983) asserts that such a structure for the allocation of arable land provides for greater government involvement in the administration of the country's land resources since most senior chiefs have become government officials and are assumed to act the interest of the government.

The **Act** also states that "every principal, ward chief and headman shall cause a *pitso* of all adult inhabitants of their communities for the election of the committees.". The **Act** contains provisions for the election of such committees every three years. The power to allocate land and grant leases, is conferred on

these committees chaired by the chiefs. (Section 18 under the **Act** Land Regulation 1980).

Section 16 (6) of the **Act** states that an appeal from a decision of a VLAC goes to the next senior land committee, (under the ward or the principal chief) through a hierarchy which parallels that of chiefly authority (see figure 8).

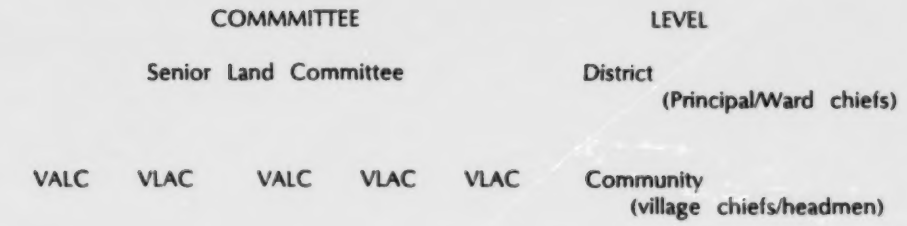


Figure 8. Hierarchy of Land Committees

However, the **Act** further states that "appeals shall not be made if the committee was acting under the Minister's direction". Section 72(1) of the **Act** also stipulates that whenever the government or a corporation requires a land for construction of public utility works, the Minister may grant to such a body a public servitude over land and the body to whom servitude is granted is liable to compensate the grantee of title for any damage to the land in the excercise of servitude. Lastly, section 64 of the Act gives the Minister the discretion to nominate a tribunal for any party aggrieved by the decisions of the VLAC. Thus although the VLAC is the decision-making authority under Section 12 of the Land Regulation 1980, if the minister pursuant to regulations made under the **Act** gives directions to a committee, the committee must follow them. In all cases if the land concerned in an application for a grant or title is to be used for a commercial or industrial purpose, the committee must refer the application to the Minister, who must seek the advice of the Minister of Commerce and Industry.

Under this new regulation (section 3 (f), (g) and (h)), each VLAC' must review the land situation in its ward every three years. The review must ensure that the land allocated for farming is being used for "agricultural purposes" (Lesotho, 1980 (a), p.215). Consequent to the review, the committee may revoke usufruct rights to the land if: a) the land has been 'overgrazed'; b) a landholder refuses to or is unable to combat soil erosion or; c) the land is not cultivated for more than three years in succession.

While the problem of soil erosion in Lesotho cannot be overemphasized, the second clause under section 3 of the new regulation assumes that the community members have the financial capacity to bear the costs of soil conservation. This adds a burden to the population whose income, excluding the unguaranteed wage remittances of migrant workers is less than R400.00 per annum.

3.3.2. Land allocation Under VLAC

The allocation of land under the Land Act of 1979 is the successor to the traditional allocation system. Under the Act, an application for land in the rural areas is lodged with the chairman of the VLAC, who is the chief using application "Form A". (see Appendix A3) The chairman of the committee has to notify the applicant of the date, time and place of the hearing of the application. Applicants are also entitled to appear and make a submission in support of their applications and if an application is successful, the chairman of the VLAC has to forward a certificate in "Form C 2" to the Commissioner of Lands as proof that the allocation has been made.

According to Section 9 (1) and (2) of the Land Act 1979, "where a rural grant has been effected, the alottee shall have to apply, within six months of the allocation, to the commissioner of Lands for a lease". Upon failure to apply for a lease, the allotee may forfeit the grant to that land, and the chairman of the relevant land committee has to erase from the register the entry of such a grant.

Records of all the VLAC meetings are to be kept, especially because applicants have a right to appeal if they are not satisfied by the committee's decisions (Section 5 (3) of Land Act 1980).

CHAPTER 4. INTERVIEW RESULTS

At the crux of this study is the question of the extent to which VLAC is more rational in its decisions, fairer to the contending applicants and whether it can efficiently manage land at the community level in Lesotho. A review of its functions and procedures as seen by the VLAC members, community members' perceptions and government officials' evaluation of VLAC are seen as crucial in determining their effectiveness. This chapter presents a generalized summary of the interview results. Some important reactions from the generalized responses have been quoted and a detailed description of the interview results is included in Appendix C1. Completed interviews per area, in six districts, are detailed in Table 2.

REGION	DISTRICT	AREA	COMPLETED INTERVIEWS		
			(a)	(b)	(c)
Mountain	Qacha's Nek	Mosuoe-Tsepiso	7	68	1
Mountain	Thaba-Tseka	Mohlanapeng	5	38	1
Foothills	Leribe	Lisoloane	6	47	1
Foothills	Berea	Mahlatsa	7	22	1
Lowlands	Maseru	Matukeng	4	25	-
Lowlands	Mafeteng	Mathebe	5	39	1
TOTAL			34	239	5

(a) = VLAC members
(b) = Community members
(c) = Government Officials

Table 2. Completed Interviews Per Area

Three sets of questionnaires (see appendices B1, B2 and B3) were prepared and administered to:

a) VLAC members;

b) Community members; and

c) Government Officials responsible for VLAC.

4.1. PERCEPTIONS OF VLAC MEMBERS

In this section, VLAC members' perception were requested concerning the role and procedures of the committee, their relationship with the chief, involvement of community members, relationship with other village committees and integration of land allocation into the overall planning process. The results were summarized and opinion with regard to each is presented below.

4.1.1. The Role and Procedure Of VLAC

Most of the interviewed members described their overall purpose as allocation of land for residential and agricultural purposes. A few added that they also had the power to take over the land that is being mismanaged, settle disputes over land, allocate land for communal woodlots as a way of combating soil erosion and control communal grazing areas. Their responses, however, as to what they considered to be mismanaged land showed a lack of congruence. It needs to be mentioned though that, in approaching the overall purpose of VLAC caution must be used not to over-exaggerate the ideal role and what is happening in reality. When asked about their achievements, their responses revealed that the bulk of VLAC's time is spent on trying to settle disputes over land. This was more obvious in the lowlands and foothills where there is an acute shortage of land than the mountain areas where one can still find unoccupied land.

When asked to respond to the question of how they were chosen most of them said they had been chosen by the community members at a public meeting, *pitso* and only a few reluctantly admitted to being nominated by the government. It should be noted that responses to such specific questions may be somewhat less reliable than the more general, in that they tend to put members on the spot, especially if they were elected on political grounds.

Nonetheless, it was interesting to note the VLAC members' exaggerated confidence in their ability to perform their duties despite their lack of of training and very little knowledge of the procedures and rules governing VLAC. A few stated that they understood their role perfectly because they had been briefed by the chiefs - the same chiefs who opposed the VLAC movement since it obviously eroded their power.

4.1.2. Meetings and Records

There was a significant lack of agreement among the VLAC members about their meeting procedures. Some said that they met twice a month, others said three times and a few said that they met only when it was necessary, i.e. when applications have piled up. However, there was a general consensus regarding the question of record keeping. Almost all interviewed members said that records were kept although they could not be seen by the public. A close examination of those records, though, revealed a scanty entry of the names of applicants and sizes of plots recorded in paces. Neither the discussion leading to their decisions nor the records of rejected applications were recorded.

4.1.3. VLAC Relationship With The Chief

Almost all the interviewed respondents were cautious and said that they had good working relations with the chief.

4.1.4. Problems Related To VLAC

The VLAC movement is not without problems. As viewed by the members, two major criticisms surfaced. First of all members admitted that their performance was poor because ever since they were chosen, the ministry of interior had never made any effort to train, guide or support them in land allocation matters. Secondly, they had very little knowledge of the laws governing land adminstration/allocation and yet they were expected to adminisiter them. Moreover, there was some resentment over the idea of working without payment and continued lack of cooperation between VLAC and the chiefs. This statement contradicted the earlier one about perfect relationships with the chief. As one member put it:

> "the chiefs are not satisfied with VLAC, most times they are either trying to obstruct our work or they just ignore us and continue allocating land"

The same respondent went on:

> "The worst thing is, if we are at loggerheads with our chiefs, it is not easy for us to find a forum in which our grievances might be easily rectified because at the grass roots in Lesotho, the obvious forum for appeal is to a chief's court. It is useless, therefore, to take our complaints to a court controlled by the person with whom we are at

issue".

Some VLAC members saw the scarcity of land as a problem and they explained that, this puts them under pressure to allocate the marginal lands, or failing which, the community members illegally extend their plots onto the marginal lands.

4.1.5. Land Allocation And The Overall Planning Process

Given that the land is a scarce and valued resource in Lesotho, it can easily be seen that control over its allocation and distribution is a crucial element in the political process. The VLAC were asked about the extent to which they are involved in overall national or district planning. Responses showed both lack of involvement and knowledge about national/district land management plans. They explained that they only process applications and were not involved in any kind of planning.

4.1.6. Illegal Land Markets

Over the last thirteen years (1976-1989), arable land has decreased in size from 13 percent to 9 percent (Lesotho Statistical Bulletin 1989). According to LSPP (unpublished report), agricultural lands in the urban areas are seen by policy makers as a transient land use and titles to such lands may be terminable within three months declaration in a gazette. The landholders of these types of land therefore, do not have adequate tenure security, and possibly this situation induces them to "sell" their lands to other members of the public for non-agricultural uses. Secondly, LSPP(1988) suggests that there might be an underlying fear on the part of agricultural landholders that if and when their lands are required for public purposes, there would be little or no compensation, hence they "sell" their plots. This has resulted in peri-urban sprawl which is now a characteristic feature of towns and growth centres and there seems to be a growing market for land and increasing conversion of farmland into residential sites.

Interestingly, when the question was raised how VLAC was involved in land sales transactions, a pattern did develop among the respondents. Committee members in the mountain areas said that the sale of land was unheard of in their areas. Responses from the foothills members were varied; some admitted that land was being sold in their communities although they were never consulted, while others denied the existense of such an issue. In the lowlands, a lot of respondents, despite the obvious ribbon developments, denied that land was being sold in their areas. While some members from the same area contradicted this and mentioned

that it was the chief and a few favoured members who processed land sales transactions. A few VLAC members from the lowlands explained that people often sold their lands to avoid situations where the government would take away their farms as "selected agricultural areas" where intensive farming could be experimented by farmers selected by government (a kind of "progressive farmer" program). and not compensate them. To quote the respondent;

> "The question of whether VLAC is involved or not involved in land sales transaction is not the issue. The problem is with the government which does not compensate people for loss of their good agricultural land when such land has been planned for other uses by the same government."

According to some VLAC members the long term implications of land sales in Lesotho will be the concentration of land in the hands of a few rich people and the government, starvation and increased humiliation of importing food from a more powerful neighbour.

4.1.7. VLAC Relationship With Other Village Committees

More than half of the interviewed members did not recognize any working relations with other committees in the community;

> "we never work with them"

one of them responded. Only the interviewed members from the mountain areas said that working relations with other committees in their area were good and they actually planned their grazing areas together. A few specifically said that they did not get along at all with other village committees, especially those that are composed of headmen.

4.1.8. Public Participation

A further goal of the VLAC is to allow different interests to be represented in land administration matters. However, all interviewed VLAC members stated that the only time they involve the community members in land management matters is when an individual's application is being processed. A few added that they occassionally call public meetings to inform the public about their decisions, but the attendance was very poor. The community members on the other hand never approach the

VLAC's with their land-related problems and still bring their problesm and/or suggestions to the chief.

4.2. *COMMUNITY MEMBERS PERCEPTIONS OF VLAC*

One of the major goals of the change of allocating authority from traditional chiefs to Village Land Allocation Committees was to allow more public participation and to involve people in the land administration. The community members' attitudes towards VLAC were therefore seen to be crucial to the success of the devolution process. This phase of the investigation attempted to determine the community members' views on VLAC, particularly on the following:

(a) familiarity with VLAC;

(b) changes brought about by VLAC;

(c) their involvement in VLAC's activities;

(d) VLAC's relationships with other village committees.

4.2.1. Attitudes Towards VLAC

Interestingly, all interviewed community members seemed to be aware of the VLAC since it had existed for several years. However only a few of them were clear about the exact role of the VLAC. The introduction of VLAC had been received with mixed feelings. Some interviewed villagers said they preferred VLAC to the way in which land was allocated before. One influential villager said

> "I never liked the way our chiefs allocated land, they used it as a commodity for rewarding faithful subjects and we also had to offer them gifts in order for our applications to be considered."

It should be noted, however, that answers such as the above may be unreliable since community members often use the same line of argument that the govenment used when it first introduced VLAC's. Other community members stated that they had no interest in VLAC's since their election process was coloured by politics and

most of them were ineffective. There was some resentment over the fact that VLAC's were imposed by the government.

4.2.2. Changes brought by VLAC

On the question of significant changes brought about by VLAC, most of the interviewed comunity members stated that VLAC had not made any impact on land administration or management. They went on to explain that VLAC seemed to be perpertuating the old system of land allocation by playing an advisory role to the chief. Nonetheless, some acknowledged a vital role played by VLAC on the fairer distribution of land. A few respondents also demonstrated how VLAC had allocated land to some interested communities for communal woodlots and gardens and acted as a catalyst towards provision of basic services. A few probing questions however, proved that the respondents were confusing VLAC with other development committies in their communities.

4.2.3. VLAC Power/Authority

The VLAC's, theoretically have the power to allocate, revoke and enforce their decisions over land management (Dalberg, 1988). When questioned about about these powers, some respondents were of the opinion that VLAC was powerless and largely depended on chiefs while others felt that VLAC had the power to enforce and actually carry out their decisions. Examples were cited where people had illegally extended their plots to the marginal areas or onto other peoples' farming fields and VLAC had taken such people to the local court. This was interesting because the local court is, in effect, the lowest level of the official judicial hierarchy of Lesotho, having appeal to the central court and thence to the court of Judicial Commissioner. In contrast to the traditional chief's court *lekhotla*, the local court president, clerk and messangers are all government officials and are often brought into the community from outside. However, when dealing with the local court, both the peasant and the VLAC member are faced with a number of problems. First, they are subject to the decisions of outsiders; there are no communal ties between them, while in the traditional court *lekhotla* where disputes were taken, the customs on which decisions are based are widely known and there is a general consensus on them. This is important to both the peasant and the VLAC member who have a sketchy, if any, knowledge of law and courts.

A few respondents, notably from the mountain areas, pointed out that although the VLAC seemed weak, it could actually influence land use patterns by allocating land and ensuring that is was being used effeciently.

4.2.4. Community Involvement

Despite the VLAC's ideal role of allowing different interests to be represented, there was some resentment among the interviewed community members over the fact that they were never involved in its land adminsitration activities except after a decision had been reached on their applications. They went on to explain that the VLAC never bothered to explain to them why their applications had been turned down. A few even pointed out that their VLAC had stopped processing their applications altogether. It was discovered later through one key informant that VLAC had been instructed to stop allocating any more land until the Government had surveyed the potential allocation areas and that never materialised.

While some respondents admitted that the chiefs sometimes called *pitsos* on behalf of the VLAC, most issues that were discussed at such meetings bore very little relevance, if any, to the land administration subjects. They also said that the attendance at the meetings has fallen off with the dwindling powers of the chiefs. Thus many communities receive only a garbled version of new legislation and directives that influence their lives. This problem is serious when it is considered that, for the illiterate, public meetings *pitso*, are the main source of such infomation.

4.2.5. Relationship With Other Village Committees

All the respondents were aware of other committees in their respective communities although they neither knew the difference nor could they recognize any working relations between them and the VLAC.

4.2.6. The Future Functions of VLAC

Despite a lot of probing, more than half of the respondents thought that in the future VLAC should provide them with basic services like public health clinics, piped water, pit toilets, road systems etc. A few recommended that VLAC should be abolished since it was useless; others pointed out that the government should not expect VLAC to perform well without proper training; while a few said that VLAC should leave land administration to the chiefs and get involved in soil conservation and land use planning programmes.

4.3. GOVERNMENT OFFICIALS EVALUATION OF VLAC

When land adminstration changes were brought into operation, the Ministry of Interior was charged with the responsibility to provide necessary technical services required for sound planning and other supporting services. The views of officials from this ministry on the role, trends ,implications of VLAC and the suitability of existing legislation in fully addressing major land management problems in Lesotho are crucial to the success of VLAC.

4.3.1. General Attitudes Towards VLAC

Interviews with district officials in Lesotho showed a general consensus on the question of why the government had introduced VLAC's. They stated that even though the chiefs and headmen had always allocated land in conjuction with advisers, the question of chiefly power in land administration had long been a contentious one. The system had been open to abuse and the chiefs often accepted bribes. The Government, therefore, thought chiefs were not the best agents for adminstering so valued an asset. The VLAC movement was thus meant to bring land under a more democratic and rational system of administration and to curtail the opportunities for abuse. The officers also stated that much as the villagers were satisfied with the VLAC there were signs of growing impatience because of VLAC's ineffeciency.

4.3.2. Land Market

The growth in population and inreasing need for shelter has often been attributed to the illegal encroachement of urban and rural settlements onto farmland. When asked about it, the government officials seemed to be very much aware of the illegal sale of land that was going on unchecked in many communities, especially in the lowlands where there is a pronounced scarcity of land. Most of them stated that since sale of land is illegal, VLAC's should not be involved in these transactions. However, cases have been reported where some VLAC members or the chiefs have been reported to be secretly involved.

4.3.3. Community Participation

When addressing the question of community participation in land management, the officials said that the only chance that community members get to be heard is through their own applications.

4.3.4. VLAC Contribution To Improved Land Management

The increase in population over the years militates against the equity principle embedded in the customary land tenure system. Landlessness increased from 12.7 percent in 1970 to 25.4 percent in 1986. It is estimated that this group of destitute households will be about 50 percent in the next twenty years.

The government officers were asked to comment on how VLAC has led to positive adjustments to the decreasing area of arable land. Some of them were not even aware that there is actually an acute shortage of land in Lesotho. A few that were, explained that VLAC has failed to improve land management, largely because they were never given any technical information or guidance on how to go about their duties. This resulted in VLAC following the traditional route whereby applicants could dictate the location and sometimes the size of the plots they wanted. The VLAC, on the other hand, under the direction of the chief, was still using the traditional pace *maoto* system for measuring the size of the fields.

Concerning the integration of land allocation at the community level with district/national planning, the officials also pointed out that, to date, the government appears to have no solutions to acheive such integration.

4.3.5. Problems Concerning VLAC

The officials' were asked to comment on the kind of problems that have been reported about VLAC over the last couple of years and the following surfaced:

-In some instances VLAC's were elected on political grounds and consequently are biased;
-some chiefs are reputed to have influenced the decisions on appointment of the members;
-some members solicited elections solely for their personal benefit and once this was accomplished they lost interest in the affairs of the community; a quorum could not be obtained and therefore meetings became difficult to convene;
-some chiefs felt threatened by VLAC and consequently obstructed their work;
-villagers tended to elect only the rich and educated, not the best people to work with the chief.

Examples were also cited where chiefs simply ignored committees and did everything on their own, or on the advice of people not elected to serve on the VLAC. Some community members also ignored VLAC and continued to consult the chiefs on land related issues. Lastly, the government officials found out that most of the chiefs and VLAC's did not understand the Land Act 1979 which was central to the formation of VLAC.

4.3.6. VLAC Relationship With Other Village Committees

Government officials saw a need for interaction between VLAC and other village committees especially the Village Development Committee, which is the umbrella in all planning activities at the village level. However, there is at the moment no binding regulation for the committees to work together results in conflicts and a duplication of effort.

4.3.7. Future Functions of VLAC

None of the officials interviewed thought VLAC should in the future have additional functions. The general opinion was that the present roles of the VLAC's should more clearly be stated to both members and the community. Some saw the urgent need to train the VLAC's.

4.4. CONCLUSION

Based on the above evidence, it is obvious that there had been a minimal success in the government's attempt to decentralise the land allocation process. Most of the land adminstration problems which were to be solved through VLAC remain. The government on the other hand does not seem to have done much to create adequate mechanisms for integrating the land administration process into overall planning nor has it ensured that land allocation would lead to positive adjustments to the decreasing land base. VLAC's do not seem to have brought participation to the grass roots level. They seem to lack training and support from the government. The fact that the chiefs have undermined their work and that VLAC's were elected on political grounds seems to have biased their dealings with community members. Nevertheless, there is some evidence of the positive efforts of VLAC in land adminstration, despite their lack of training.

CHAPTER 5. INTERPRETATION AND DISCUSSION OF DATA COLLECTED

5.1. INTRODUCTION

VLAC was a product of the interplay of a number of concerns, interests, and often conflicting national policy objectives. At the risk of oversimplifying the essential concerns of the policy-making process, it could be stated that most of the debate centered on the perceived disadvantages of traditional allocation procedures, considered undemocratic and unjust to some members of the community. The devolution of land administration functions to local institutions such as VLAC could have far reaching implications; a) by curtailing the power of the chiefs; b) by protecting the chiefs from the people whose aspirations are not satisfied; c) by insuring that interests are represented; and d) by narrowing discretion and providing greater people's participation in the administration of land and its management.

Inherent, however, in some of the remedies suggested for a democratic land administration system, were provisions which presented barriers to sustainable land use and to the participation of the great majority of community members. This chapter explores these issues by interpreting and discussing interview results described in the previous chapter.

5.2. THE ROLE AND PROCEDURES OF VLAC

It was found during the research that the functions and procedures of the VLAC were not well understood and because of this potential of the VLAC was not realised. Most of the VLAC members interviewed neither understood the Land Act of 1979 which they were expected to administer nor were they familiar with their terms of reference.

For instance, section 15 of the Land Act of 1979 clearly sets out reasons for revocation of land as: abuse through overgrazing; refusal or inability to prevent soil erosion; and lack of cultivation of arable land for over three years. However, data gathered from the interviews suggested that there was some confusion among the members about what was meant by 'mismanaged land'. This is one example where a law, which could be of benefit to the community by contributing towards proper land management, is quite meaningless if it is not understood by the people who are supposed to implement it.

5.3. PUBLIC INVOLVEMENT

Although the Third Schedule of Appendix A of the **Act**, makes provisions for hearings in which the applicants are entitled to appear and make submissions, neither the VLAC members nor community members seemed to be aware of this provision and it is therefore not applied. This is evident because the community members interviewed made it clear that they were not involved in the decision making process and that VLAC never bothered to explain why their applications had been turned down. This notion was confirmed by the VLAC members themselves by affirming that the only way of involving the local people in land administration issues was by processing their applications, but none of them mentioned the hearing process.

Given the objectives of VLAC, it is interesting to note the rather limited perspective from which the **Act** seems to address the issue of public involvement since it does not make provisions that would enable the community members to consider and approve the VLAC's land allocation process. In addition to this problem, the **act** has not made any connection between land allocation, land management and people's participation therein.

Based on the above discussion, one could safely conclude that, while VLAC represents a considerable advance in the direction of people's involvement in the political process in Lesotho, it has to be recognized that there is a much further way to go to attain peoples' full participation in the decisions that affect them most - land allocation and use.

5.4. OVERBUREAUCRATIZATION OF LAND ADMINISTRATION

There are also significant implications of the VLAC at the national level. An analysis of its administrative implications reveals a considerable increase in the functions and power of the central land administration including a considerable increase in the discretionary powers of the Minister. Such powers are seen, for example in relation to the granting of titles, creation of servitutes and tribunals. Apart from the powers these provisions bestow, they also impose a considerable administrative burden to the VLAC's.

The data collected also suggested that VLAC's were powerless to initiate land-related projects e.g. soil conservation projects, or approve such projects if they are initiated by the local community. VLAC members interviewed made it very clear that

although they had never initiated anything, every project, regardless of its size, would have to be approved by the Minister before it can be undertaken.

5.5. REPLACING TRADITIONAL INSTITUTIONS

The same bureaucratization applies to the land registration implications. According to Section 9 (1) and (2) of the Land Act of 1979, every parcel of land allocated by the VLAC has to be covered by a lease, which has to surveyed, mapped and recorded. Everytime a lease is transferred, mortgaged or extinguished, it has to be registered. This is not merely a question of recording transfers but also of cross-checking with the Minister on whether an application for a lease has been submitted. It also means registering every parcel, even of sub-leased land owned by the miners who work and live in South Africa. This seems to be a lot of work for VLAC who can barely maintain adequate records of for land allocations. It is also unrealistic to expect VLAC to be part of such an extensive land registration system without significant resources. It should be noted that measuring and recording plot sizes in paces, which is what VLAC are doing at the moment, is in itself controversial since paces are subjective and can not be verified. Furthermore, VLAC members are not paid for their work, so they cannot realistically afford take much time away from their income-earning farming activities.

It is thus evident that the planners and politicians seem to have seriously underestimated what is required to replace the traditional institutions for land allocation. The workload of the VLAC's has been underestimated; they have been burdened with bureaucratic administrative functions and yet they are neither paid nor trained to perform these duties. For example, at the time of assuming control of new allocations, VLAC's must know what land has been allocated to whom and what land remains unallocated. There is also a need for land records, maps, surveys etc. which are costly but without which the VLAC's must depend on knowledge of traditional institutions.

5.6. SHORTAGE OF LAND

Although the establishment of VLAC was indeed an imaginative and constructive step, it however does not take a decisive position on any of the major land policy issues such as land shortage and distribution.

As has been elaborated in section 2.5.1 of chapter 2 Lesotho is a mountainous country of which two thirds is unhabitable; thus, the population is concentrated in the lowlands and foothills which constitute only a third of the land area. Section

3.2 of chapter 3 further demonstrates how problems of land administration and allocation became evident after Lesotho had lost most of its arable land to the Boers and many kinship groups started agglomerating on the limited remaining land.

The strong inrease in demand for the limited supply of land has created the opportunity for the traditional authorities to engage in "unofficial transactions"; a chief could, for instance, reward loyal subjects or faithful administrators with more favorable allocations than other subjects or, at a more blantant level, he could accept bribes for favouring certain applications, shuffling others to the bottom of the pile. It is thus logical to assume that the problems of land administration are, in a way, a product of land shortage and a deficiency in planning. For example, traditionally, no standard acreage was laid down with regard to the size of parcels of land, and sites for dwelling were not specifically delineated or beaconed, so the chief could easily get away with the "unofficial transactions".

Given the above situation, one could assume that an analysis of the problem as opposed to the symptoms should have been a priority of the policy makers. However, it seems that they avoided taking a position on this major issue. The question of size of the holdings, for instance has been left open, so that individuals have a right to apply for any size parcel anywhere. According to the District officials interviewed, decisions on parcel size and location have been left to the discretion of the VLAC and the chief to decide on each individual case. The **Act** does not indicate whether the policy is to encourage large scale land accumulation and commercial farming or whether the subsistence needs of poor families are to be met. Thus even the question of equitable access to land is left unanswered.

The main feature emerging form the above analysis is that while the **Act** is flexible, it is at the price of proper land management and planning, leaving almost all options open to the administrative decisions of the VLAC. This creates a possibility of bias towards the more powerful, and this could well be at a cost to the rural poor hence the complaints from some of the community members interviewed that their VLAC's were either biased when allocating land or in some cases not responding to their applications at all.

5.7. SOIL CONSERVATION

Tied to the above issue is the problem raised in sections 2.2 and 2.5.2.2 of chapter 2 that the geological materials in Lesotho are fragile and because of a highly variable climate and rainfall, high erosion levels are characteristic. Despite these alarming conditions there are no VLAC policy guidelines pertaining to land

suitability connected to the land allocation process. Instead, the government seems to be addressing the land management problems at the community level from a very narrow perspective by giving individuals the freedom to choose the location of the land in which they are interested (see Appendix A3). The implementation of the VLAC without such policy guidance is therefore, likely to aggravate Lesotho's land management problems.

5.8. THE INSTITUTION OF CHIEFTAINSHIP

On the political level, the transfer of the land allocation function from chiefs to the VLAC which was conceived of as a socially and politically neutral administrative unit, has had important implications for the evolution of Lesotho's social institutions. Of greatest importance is the diminution of real and potential ability of chiefs to use control over land as an instrument of wider political power.

Quinlan (1983) has cast light on the insecure position of chiefs and headmen. Their position has long been eroded by the cumulative effect of social, economic and political change. The colonial period converted them into an arm of government and distanced them from their people, while industrial transformation of South African captured many of their subjects as migrant laborers, responsible to a different set of forces. Their symbolic role as respresentatives of their people has been overshadowed by the power of the central government. Their right to rule has been extensively questioned by "foreign experts" intent on introducing a western concept of "democracy". Cases of of abuse by some chiefs have also been used to discredit chieftainship. An economic analysis of the traditional land tenure system has also been used to evaluate the latter's impact on agricultural production and has concluded that the customary land tenure system contributes to an inefficient allocation of resources. This kind of analysis is however unfair because the land tenure system was mainly geared towards subsistence, thus, its economic analysis attributes differing measures of performance to different management goals. All of this has had the effect of subjecting the traditional institution both to increasing demands and critical scrutiny, and thus the institution itself has suffered and is slowly being diminished.

VLAC's are only one example of the progressive diminution of traditional power. As the Lesotho Government seeks to modernize and move traditional practices closer to the state, the role of the chieftainship as an independent force has become more ambiguous. For instance, while the chief's administrative responsibilities with respect to land were transferred to VLAC's, their less obvious but ultimately more important prerogative to make land policy is now reserved for the Minister. The Land Act of 1979 explicitly provides that on matters of land policy, VLAC will act at the "behest" of the Minister. Land policy has thus become the exclusive concern of the central government.

Many VLAC's have however, proved incapable of efficiently executing their allocative responsibilities. On the other hand, their lack of training seems to have resulted in inattention to the social dimension of territorial organization. For instance cases where people illegally expand their parcels of land are becoming a common phenomenon, grazing and cultivation are increasingly being mixed spatially, and less ordered on the basis of appropriate seasonal use. Private markets in land have also developed, partially in response to the growing scarcity of land, especially in the lowlands, but also due to the inability of VLAC's to stay abreast of the demand and to regulate transactions which are expressly forbidden by the **Act** itself.

5.9. DEMOCRATIZATION OF LAND

Although democratization of land administration is one of the major objectives of VLAC's, some of the provisions of the **Act** do not appear to be adequate for a fully democratic process. For instance, the fact that the community members cannot make appeals if the committee is acting under the direction of the minister means that the legislation serves to expose the communities to external tyranny and hinders them from making decisions on internal allocation of land and use rights.

As far as election of VLAC members is concerned, the **Act** neither makes provision for campaigning, which is normal for elections, nor does it have criteria for nominating the four appointed members. Furthermore, it is the chief who receives applications for allocations, notifies the applicant of the date of the hearing, and calls a public meeting *pitso* for the election of VLAC members. But it is also the chiefs who have been blamed for taking bribes, abusing the system of allocation and obstructing the work of the past advisory boards.

The ambiguity of the **Act** is even more obvious when it comes to the question chiefly authority versus the VLAC powers. For instance, even though the 1979 Land Act does not provide the traditional chiefs with the powers to allocate communal land, the data collected seems to suggest that the hereditary chief is still the single most authoritative figure in rural Lesotho. The hereditary chief still provides the connection between the Government and the people; he chairs meetings of local public meetings *pitsos*, arbitrates and administers village affairs. In short, the chieftainship system is the most important institution in rural Lesotho.

Obviously there is a contradiction for the VLAC to depend so much on the chiefs, who are at the same time threatened by their establishment. Some community members resent the idea of the VLAC and continue to consult the chiefs on land-related matters. Others explain that the legislation was adopted when the major political parties were trying to gain and consolidate power in rural Lesotho,

and elections for the VLAC was not always viewed by the locals as a way of selecting the best men to manage land, nor even necessarily as a way to democratize land allocation, but as contests in which national political parties could test their support at the grassroots. Furthermore, VLAC's association with government-nominated-members seems to have ensured some resistance to its measures. However, some people prefer VLAC to customary allocation procedures.

The problem of the VLAC from the District Officials perspective is due to the resistance of the chiefs, most of whom, they claim, are opponents of the reform. This is understandable because control over the allocation of land has long been central to defining their role and powers which they do not wish to share.

Nonetheless, it is not only the chiefs whose role in VLAC is problematic. In some instances, VLAC members are reported to have solicited votes for their personal benefit and once this was accomplished these members lost interest in the affairs of the community, a quorum could not be obtained and meetings became difficult to convene.

Based on the above discussions, it is clear that the VLAC is not without problems. It is also obvious that Lesotho is not yet ready to do away with the chieftainship institution. Nevertheless, VLAC still represents a major advance in thinking on the rationalization of institutions in Lesotho.

5.10. LAND ALLOCATION AND THE OVERALL PLANNING PROCESS

The struggle to retain control over land is one of the central themes of the Basotho. A concern with land is thus deeply embedded in the historical perception of the country, and has strong symbolic overtones arising from the long and hard conflict to retain independence against the developing Boer nation. The laws of South Africa make it "officially" impossible for a migrant workers to acquire residence rights or to take their families with them. In this context, therefore land means somewhere to come home, and assures Basotho people a place to live. It can easily be seen then, that control over its allocation and distribution is a crucial element in the political process.

However, despite the fact that the government, through VLAC, has a strategic tool for directing and shaping overall development, it has failed to integrate VLAC activities into the national/district planning which is necessary for management of a shared but scarce resource. Instead, *ad hoc* decisions on allocations are being

made on an application-by-application basis.

It is apparent therefore, that a planned pattern of land use cannot be implemented if the land is allocated arbitrarily by VLAC. The implementation of a land use plans cannot be effective unless tenure and land management arrangements are integrated with it. This has significant implications for attaining sustainable development.

Lastly, the **Act** does not give the VLAC's an indication that, like the chiefs before them, they are engaged in more than allocating land to individuals in appropriate tenures. But the way in which they respond to allocation requests by individuals for land for particular purposes in particular locations, determines long term land use patterns and thus, the long term sustainable development of the country .

5.11. FUTURE FUNCTIONS OF VLAC

The interviewed government officials felt that the VLAC should not have additional functions until they receive some kind of training but there was no mention of possible modifications of the legislation in order to ensure that the VLAC adequately addresses land management problems of Lesotho. From the perspective of community members, functions of VLAC included conventional development projects (schools, roads, health centers, piped water and so on) which donor agencies and the government usually provide. The problem here is either that the community members have a confused idea of the range of activities that should be performed by the VLAC or their priorities might be different from what the VLAC is doing.

CHAPTER 6. CONCLUSIONS AND RECOMMENDATIONS

The aim of this study was to analyse the Village Land Allocation Committe's perception of their role, community members' perception, government officials' evaluation of VLAC and to determine their effectiveness land management institutions as land management institutions at community level in Lesotho. The study was put in context by describing salient features of the study area and examining the historical and contemporary aspects of land management and land tenure in Lesotho. The results of the study can be summarized as follows:

Lesotho's geographical position has had negative effects on the country's socio-economic development. The fact that it is surrounded by South Africa makes it wholly dependant on it, and the political differences between the two countries puts Lesotho in a vulnerable position. The country has also been unfortunate in that it has very limited natural resources and hence no base for employment outside agriculture. Thus, agriculture is the main source of livelihood for many families, especially the rural people who constitute the majority of the population. However, the following features have negatively affected agricultural production, hence a trend of decline over a long period, and increasing dependance on south Africa for cereal products and migrant labourers' remittances.

Lesotho's topography is mostly mountainous with only a narrow region in the west consisting of lowlands. The lowlands are relatively high - the lowest point being 1500m. The steepness and ruggedness of the mountain region have presented Lesotho with limited land for agriculture and settlements.

There are climatic differences in accordance with topographical regions in Lesotho. The rainfall also varies in accordance with the regions, consequently, the mountains, which are otherwise unsuitable for agriculture receive the highest rainfall, while the lowlands receive very little rainfall especially during the growing period. Drought is therefore common and results in poor crop production.

Soils are also very important for an agrarian country like Lesotho. However, the foregoing analysis of soils has shown that not only are most of them unsuitable for agriculture, but they are also highly erodible, resulting in spectacular sheet and gully erosion. Nonetheless, population pressure has meant that almost all available land is being cultivated despite its unsuitability with consequent damage to the soil resource. Thus, Lesotho is also faced

with a rapidly deteriorating land base.

Developments in South Africa have also had disturbing effects on Lesotho's agriculture. In 1868, Lesotho's best agricultural land was lost to the Orange Free State after disputes with South African Boers. This added pressure on the remaining arable land and reduced exports and opportunities for gainful employment in agriculture. This pressure on land, combined with population growth started the cycle of erosion and soil degradation which remians one of the country's most serious problems.

Recently, the decline in agricultural production is being exarcerbated by the encroachments of settlements onto the little remaining arable land.

Another source of concern has been on the ineffeciency of the customary land tenure and administration system. Some of the viewpoints expressed by the critics of the traditional system are; a) its lack of security and; b) traditional authorities abused the system by accepting bribes and promoting favouritism. Critics of the traditional system, in most cases expatriates, claimed that the traditional authorities, that is, chiefs and headmen, offered little promise for asserting the kind of authority necessary for regulating the land resource since they served only a few members of the society. Lesotho government's answer to these criticisms was the establishment of Village Land Allocation Committees in 1979 to take over the allocation functions from traditional authorities.

6.0.1. Effectiveness of Village Land Allocation Committees

Levels of Village Land Allocation Committees efficiency, in terms of staying apace with applications for allocations, maintaining records, holding meetings and promoting local participation in land allocation issues, have been minimal. However, this can be attributed to VLAC's lack of training and clear policy guidelines.

VLAC's have also not come to grips with the problems of land shortage and resource management. There are several reasons for this. First, there has been little official impetus, at the district or national levels, for VLAC's role in this area. Second, there has been little historical precedent, even under the traditional dispensation, to undertake measures that would address the problems of land shortage and sustainable utilization of the land resource. Presently VLAC's role is limited to land allocation; VLAC's are therefore bound to encounter the sort of organisational problems that traditional authorities encountered in attempting to deal

with growing population and a limited and deteriorating land base.

Land allocation at community level is not integrated in the overall district or national planning nor has there been any effort to guide VLAC's to make sound judgements on planning for the sustainable use of the land. VLAC's have not received any kind of training on zoning, lease stipulations or advancing more exact standards on the size of allocations and management of land. Instead *ad hoc* decisions are made on an application by application basis with no regard for suitability or carrying capacity of the land base.

Despite its promise for a more democratic approach to land administration, VLAC's procedures geared towards achieving this end have been limited. Community members have not been provided with adequate channels through which to obtain or redress their grievances. Furthermore, it became clear that VLAC's programs that attempt to shift the allocating authority from the chiefs are infeasible, since chiefs are still: a) contact points between the government and the community members; and b) arbitrators and administrators of village affairs.

The question is why are VLAC so ineffective? Two main factors emerged out of this study. First, many members of VLAC are unclear about the purpose of the committee. General duties such as 'democratizing land' or 'representing community members' are hollow phrases in most VLAC members' minds. Some VLAC members try to overcome this problem by becoming involved in other development programs such as tree planting and piped water campaigns. Such activities, however, make the comittee indistinguishable from other Village Development Committees.

The second problem with VLAC, which is related to the first, arises from the fact that they do not seem seem to represent a felt need on the part of the community members. For example, some community members have been reported to have ignored them and continued to consult traditional authorities on land matters. In addition, the government itself has not demonstrated its commitment financially or otherwise. The consequences are reduced commitment to their work, thus compounding problems of mistrust, misunderstanding and ineffectiveness.

Finally, the VLAC is seriously handicapped by its bureaucratic environment. Most members do not know whether they have to report to the chief or to the government; the Minister has a right to overrule their decisions; and the community members cannot make appeals if decisions have been made by the Minister. Secondly, although the traditional institutions have lost most of the legal powers

they once had to manage the land resource, the finding of this study is that the traditional institutions still retain considerable influence over a wide range of resource managment matters and that community members still prefer to deal with the chief on land-related matters.

While VLAC could provide the most appropriate institutional context for democratic land management at the community level, by: a) allowing different interests to be represented; b) narrowing discretion; c) involving people in the administration of land; d) saving the chiefs from the sole responsibility when community members' aspirations are not satisfied; 4) possessing detailed knowledge of local conditions, practices and needs and; 5) increasing political and economic influence of community members; and 6) exercising influence over chiefs and asserting claims on government. The fact that VLAC's are presently ill-prepared to act as effective public land management bodies is undeniable. Several pre-requisites are necessary before reasonable levels of effectiveness can be expected. This thesis has not tried to comprehensively solve all of the problems revealed by data collected. Much more work would be required to deal with questions of appropriate number of VLAC and member selection criteria. The following recommendations can be viewed as suggestions towards making the VLAC's more effective. These recommendations are believed to be important in that they will encourage healthy pressures for the eradication of felt inadequacies.

After each recommendation given below, an explanation of the changes recommended has been stated, including reasons for the recommendation, as well as short reviews of solutions of comparable problems which have been experimented with elsewhere.

1. The Government should review the role of VLAC's with a view to providing them with much clearer and more specific goals.

At the present time neither the VLAC nor the community members are sure of what VLAC should be doing; as a result these committees are languishing. The Ministry of Interior should, therefore, re-evaluate the role of these committees, with a view to making their purpose clearer to all concerned. This would also mean communicating the Land Act 1979 in more simple, clearer language (see appendix A2).

2. Apropriate administrative and planning procedures should be devised to effectively integrate land allocation into the overall national planning.

It is known that ultimately any resource management initiative must take place within an ecologically defined area. It is also known that the management of resources has so many implications for the whole of a nation's economy in all its sectoral and regional interactions that it must be guided by national policies. In Lesotho however, that is not the case. There is no connection between allocations made by VLAC's and the overall national land use plans. Instead, VLAC's make arbitrary decisions on an application by application approach. It becomes clear therefore, that a planned pattern of land use and management in Lesotho cannot be implemented if VLAC's continue to make *ad hoc* decisions on land. Furthermore, unless community level allocations are integrated with national land use plans any attempt to plan the use of land in Lesotho will be chaotic.

Although it is beyond the scope of this thesis to state how this integration can be achieved, one general requirement would be for a coherent national resource assessment (physical and social) to form the basis for a national land use plan. This initiative is now being undertaken by the Institute of Land Use Planning. The Government should therefore make every effort to ensure that comprehensive land management/allocation policies at the community level are a critical part and integral part of the national land use plans. These plans should maintain a high level of environmental regard.

Given the technical nature of land use planning and control, relevant government departments should assist VLAC's in formulating their land use plans within given public guidelines and also help them with technical and organizational requirements needed to administer these semi-official plans on an on-going basis. Decisions regarding ownership, allocation and continuing management, should, however, be left to appropriate community groups and local organizations.

This strategy would enable the government to shape the overall physical and socio-economic development of the country and at the same time guarantee local participation in the formal land use planning and management process. The national policy guidelines for land management need not hinder local initiative but will provide support and a stable context for local decisions.

3. <u>The government should provide VLAC with qualified personnel on a temporary basis subject to government's control. This requirement is needed:</u>

a) to plan and develop a program of land conservation and use with VLAC, in an effort to correct maladjustments in land use, and to submit recommendations for legislation and administrative measures to carry out this

program;

b) to assist VLAC's in preparing plans for future land resource management, and to submit recommendations for legislation and adminstrative measures designed to carry out this program;

c) to educate and advice chiefs, headmen and/or any other bodies empowered to allocate land or deprive people of land, on proper standards or criteria to be used where, under the law, such persons are duly empowered to allocate or deprive;

d) to assist VLAC on organizational management issues, to show them the need for community participation and how that could be achieved.

The problem of flexibility of the land Act 1979 and VLAC's ignorance were dentified through data collected. For instance, the **Act** has left the question of size of holdings open with applicants having the right to apply and be granted a lease for any amount of land. While this was traditionally less of a problem when land was relatively freely available, at present it is no longer appropriate.

This recommendation draws heavily from Botswana's experience with the Land Boards which not only provided a direct link between the political administrative institutions at the national level and the detailed planning and execution of policy at the local level, but also had the requisite professional and administrative capabilities in the form of trained staff, that traditional authorities lacked. However, unlike Botswana's Land Boards, it is recommended that the primary function of the qualified government personnel be to **assist** and educate land allocators while the power to make allocations should, be left with community institutions. Again a comprehensive and practicable set of guiding principles for the government agents is beyond the scope of this paper and should be subject to further research.

4.The continued influence of the traditional land allocation system should be recognized and every effort should be made to more fully integrate it with VLAC's activities.

Morapeli (Unpublished B.A. project) showed that historically, the traditional institutions

controlled most aspects of community resource management. The chiefs had broad responsibilities for the welfare of their people and were granted control over lands for this purpose. Besides regulating their peoples' use of land, they had direct control of areas *lira* which were cultivated for the community's benefit and from which the crops were used in times of famine and emergency. The chief's herds were also a resource upon which the community might draw through loans *mafisa*. Today, traditional institutions have lost most of the legal powers they once had to manage resources. Nonetheless, the finding of this research is that the traditional institutions still retain considerable influence over a wide range of resource management matters.

Perhaps the most important area of continuing traditional influence is in the allocation of land. Historically chiefs and headmen were responsible for allocating land, controlling grazing and settling disputes in their communities. Presently, they are supposed to be integrated into VLAC as ex-officio chairmen. In practice, however, full intergration is not achieved. Instead, they were reported to continuously allocate land without reference to VLAC. Lastly, encroachment of settlements into agricultural lands and illegal land sales which were not common traditionally are becoming more evident and the question is whether the traditional chiefs were better equiped to handle land management problems than VLAC or whether these problems are due to the present shortage of land. This is yet another aspect of land management which should be further researched.

While it must be acknowledged that the importance of chiefs varies from place to place, the traditional authorities possess valuable, comprehensive local knowledge and experience that exists nowhere else. Without the work they do in controlling land resources, local land use there would be in disorder. It is thus recommended that the chieftainship institution be strengthened by supportive connections and be fully integrated into VLAC in order for the latter to effectively carry out its tasks.

5. In order to make VLAC more effecient, more democratic and less liable to misunderstanding on the basis of personal interest, it is recommended that the VLAC's decision making process be made more open to allow greater involvement and participation of community members.

A major concern with traditional authorities has been the abuse of the system through favouritism. However, if VLAC is not open, it is likely to suffer the same fate as traditional authorities. Indeed, if democratization of land administration is accompanied by greater openess in the decision-making process, opportunities for corruption may be reduced.

It is therefore recommended that VLAC adopt a more open participatory process in which community members would have access be more involved in the decision making process of the VLAC and also have access to their records. At present there is a widespread belief that some VLAC may make land decisions in self-interest. This of course would not rule out the possibility of a grant of land to some VLAC members for their own use but making the system more open would preclude the chiefs' or VLAC's participation in decisions involving their own interest.

An open process will not only be useful to community members but will protect land allocators who perform their duties in accordance with the principles of trust, confidence and public service from unfounded accusations.

6. A planning and evaluation component would have to be built into VLAC procedures to document constraints and achievement of goals

One of the problems with VLAC is that it was adopted and implemented nation wide without a pilot study to test whether it will actually work. In addition, it is questionable whether an evaluation component for VLAC was ever considered. For instance, since 1979 when VLAC were first established until the time when this research was carried out there has not been any documented study evaluating them. It is therefore recommended that a systematically phased plan for VLAC over a definite period of time including targets, estimated budgets and resource requirements be integrated into VLAC activities, and that its implementation and effectiveness be monitored.

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APPENDIX A1 - THE LAWS OF LEROTHOLI

1. *SELECTED EXCERPTS DEALING WITH LAND ALLOCATION*

[1] *Allocation of Land*

7. (1) *Allocation of land generally*: Every chief and Headman declared as such by the High Commissioner by Notice in the Gazette published in accordance with the provisions of section 3(1) of the Native Administration Proclamation, 1928 (chapter 54 of the Laws of Basutoland), is responsible, within his area of jurisdiction, for the allocation of land to his subjects. It shall be the duty of the Chief and Headman to see that land is allocated fairly and impartially.

Note - Land may be allocated for several purposes, e.g. residential business, planting of tees, growing of vegetables or tobacco, cultivation of crops, burial of the dead, erection of churches for purposes of worship, building of stables and kraals, etc.

Comment - The existing sub-paragraph (1) is redrafted on account of the High Court decision in the case of *Mampha Nkhasi v. Shopane Nkhasi*, 1955 H.C.T.L.R. at 39.

(2) *Inspection of Land allocated for cultivation*: Every Chief and every Headman declared as such by the High Commissioner shall frequently inspect all lands allocated by him in his area for the cultivation of crops and is empowered to take away land from people who in his opinion have more lands than are necessary for them and their families' subsistence and grant such land to be taken away to his subjects who have no land or insufficient lands.

(3) *Deprivation of land not used or ill used*: It will be at the discretion of such Chief or Headman to take away a land or lands which he has allocated to any of his subjects who, through continued absence or insufficient reason, fails for two successive years properly to cultivate or cause to be cultivated.

[1] Quoted from Eckert (1980)

(4) *Retention of lands by widows*: No widow shall be deprived of her land except under the provisions of paragraphs (2) and (3).

Provision of land for minors after the parents death

(a) On the death of the father or mother, who ever dies last, all arable land allocated to them shall be regarded as land that has become vacant and shall revert to the Chief or Headman for reallocation. Should however there be minor dependents left in such household, it shall be the duty of the guardian of such minor dependents, or in his absence the person who has the custody of the minors, to report the presence of such minors to the Chief or Headman, and it shall be the duty of the Chief or Headman to make provision for such minor dependents, during the period of their minority, from the land or lands of their deceased parents. If the minor dependents are sons, the Chief or Headman shall, on such sons attaining majority, confirm them on the land or lands used for their benefit during the period of their minority.

(b) In the reallocation of lands which have reverted to the Chief or Headman on the death of the previous occupier and after the needs of any minor dependents have been satisfied as in the previous sub-paragraph (a) prescribed, the Chief or Headman shall give priority, as regards the allocation of the remaining lands should there be any, to the requirements of any adult son or sons of the deceased provided such son or sons reside in the village of the deceased.

(d) Any person aggrieved by the action of the Chief or Headman in failing to observe the provisions laid down in paragraph (5) may complain to the Principal or Ward Chief as the case may be, and if dissatisfied, with the decision of the Principal or Ward Chief he may appeal to the Paramount Chief.

(6)*Right to select which land to surrender*: When under paragraph (2) or (4) above a Chief or Headman orders that a land or lands be surrendered, the person so ordered to surrender a land or lands shall have the right to choose which land or lands shall be surrendered.

(7) *Land allocation for gardens and tree plantations etc* On the death of a person who has been allocated the use of land for the growing of vegetables

or tobacco, or for the purpose of planting fruit or other trees, or for residential purposes, the heir, or in the absence or their heir, the dependents of such deceased person shall be entitled to the use of such land so long as he or they continue to dwell thereon.

(8) *Land required in the public interest*: Except in the public interest, it shall not be lawful for any person to be deprived of his lands, gardens or tree plantations except in accordance with the provisions of this law.

APPENDIX A2 - THE LAND ACT 1979

1. *SELECTED EXCERPTS DEALING WITH LAND ALLOCATION*[2]

Land held under allocation

7. This Part applies only to land in rural areas.

8. (1) subject to subsection (2) and section 11, a grant title under this Part, if made in respect of land which is not the subject of a registrable title, shall not be transferable and shall, subject to the conditions laid down in the allocation and to the power of revocation, entitle the allottee to use or to use and occupy the land for the purpose stated in the allocation for a period which

(a) in the case of a body corporate or unincorporate may be limited or indefinite period;
(b) in the case of an individual, may be a limited period or his lifetime but shall not endure beyond his lifetime.

(2) Notwithstanding subsection (1) where an allottee of land referred therein dies, the chairman of the Land Committee having jurisdiction shall record in his register the passing of the interest in the land of the deceased allottee to

(a) the first male issue of the deceased allottee (who shall share with his junior brothers in accordance with the advice of the family) unless the deceased allottee had designated other wise;
(b) where paragraph (a) does not apply, the person nominated as the heir of the deceased allottee by the surviving members of the deceased allottee's family; or
(c) where paragraphs (a) and (b) do not apply within twelve months from the date of the death of the allottee, the State.

[2] Quoted from Lesotho Government Gazette No. 17 of 1979

(3) Notwithstanding subsection (2) a surviving spouse of a minor child of the deceased allottee shall be entitled to remain in occupation of the land allocated to the deceased allottee until his own decease.

9. Where a grant of title under this Part related to land which is the subject of a registrable title, the allottee shall, within six months after the date of the allocation, apply to the Commissioner for a lease and such lease shall, in all respects have effect as if it had been granted under Part III.

(2)Where the allottee fails to apply to the commissioner in accordance with subsection (1), the Commissioner shall serve notice upon him so to apply and if he fails to do so within three months of the Commissioner's notice, the grant shall be of no effect and the chairman of the Land Committee having jurisdiction, on being advised by the Commissioner of the allottee's default, shall erase from the register specified in section 17 (2) the entry relating to the grant.

10. (1) Allocations of land made prior to the commencement of this Act shall be deemed to have been made under this part.

(2) A registrable title held at the commencement of the Act shall be converted into a lease and section 29 and 31 shall apply to the holder of such title as they apply to a person holding title under section 28(1).

11. (1) Whenever an allottee of land used for agricultural purposes is desirous of holding his land under a lease of licence under the conditions relating to land held under a lease or licence he may apply to the Commissioner for the issue of a lease or licence in respect of that land.

(2) The Commissioner shall not issue a lease or licence on the application of an allottee unless the allottee's land satisfies the conditions which the Minister may by notice in the Gazette determine in respect of the use to which the land is put and the level of development which the land has attained or is intended to attain.

(3) Any allottee aggrieved by the decision of the Commissioner under this section may appeal within three months of the date of the decision to the Tribunal whose decision shall be final. 12. (1) Subject to subsection 9 (2) the power to grant title to land shall be exercised by majority decision of the Land Committee established for the area of jurisdiction, of which the Chief having jurisdiction shall be chairman "ex officio" or of such other Land Committee as the Minister may establish under section 18.

(2) Notwithstanding subsection (1), whenever, in pursuance of regulations made under section 18, directions are given to the Land Committee by the Minister the Committee shall act in accordance with the directions.

(3)A Land Committee shall not exercise its power of granting title to land for commercial or industrial purposes unless it shall have first referred the application to the Minister who shall forthwith seek the advice of the Minister for Commerce and Industry.

13. (1) The power to revoke an allocation shall apply only in respect of land which is not the subject of a registrable title and shall be exercised by the Land Committee for the area of jurisdiction, under the chairmanship of the Chief having jurisdiction or such other Land Committees as the Minister may establish under section 18.

(2) Before exercising its power under subsection (1) the Committee shall, through its chairman, give at least 30 days' written notice to the person affected thereby of its intention to do so.

(3) The notice referred to under subsection (2) shall set out clearly the grounds upon which the allocation is to be revoked.

14. (1) Where it is necessary in the public interest to set aside for public purposes allocated land which is not the subject of a registrable title, the Minister, after consultation with the Principal Chief having jurisdiction and upon obtaining the King's assent, shall by notice in the Gazette, declare the land to be so required.

(2) The Commissioner shall, upon publication of a declaration notice issued under subsection (1), forthwith send a copy thereof to the chairman of the Land Committee having jurisdiction, and the chairman shall thereupon cancel the allocation made in respect of the land subject to the notice and shall serve a revocation notice upon the allottee in the manner prescribed in section 86 requesting him to vacate the land by a date not later than six months from the date of publication of the declaration notice.

16. (1) a person aggrieved by a decision of a Land Committee refusing to grant a title to land or revoking an allocation otherwise that under section 14, may appeal to the next Senior Land Committee.

(2) No appeal shall lie under this section where -
(a) the refusal to grant is in accordance with the directions issued by the Minister under section 12 (2);

(b) the ground of appeal does not involve a question of law.

17. (1) The chairman of the Land Committee which grants a title to land shall issue or cause to be issued to the allottee a certificate which shall be either in Form "C1" or "C2" in the Third Schedule as appropriate.

(2) Every chairman shall keep or cause to be kept a register of all allocations made by his Land Committee which register shall be in Form "E" in the Third Schedule, and shall endorse thereon-

(a) any cancellation resulting from the application of section 9 (12);

(b) any revocation made under section 13 or made pursuant to a declaration notice issued under section 14(1) or resulting from the loss of title by virtue of section 44 or 50.

(c) any derogation resulting from the grant by the Minister

of a public servitude under section 72.

18. The Minister may make regulations under this Part for any one or more of the following purposes -

(a) prescribing the allocation which may be made and the persons to whom they may be made, the grounds on which and the circumstances in which they may or shall be made or revoked and generally regulating the principles according to which and the manner in which the Land Committee shall exercise its powers under this Part;

(b) specifying the grounds on which and the circumstances in which the Minister shall give direction under section 12 (2);

(c) establishing Land Committees and providing for their composition, seniority, meetings, procedure and quorum;

(d) regulating the conduct of meetings in the event of a chief as chairman ex-officio failing, for no good cause, to attend a properly convened meeting of a Land Committee;

(e) generally carrying into effect the purposes of this Part.

APPENDIX B1 - QUESTIONNAIRE ADMINISTERED TO THE VLAC

1. A. *THE ROLE AND PROCEDURES OF VLAC*

1. Describe the overall purpose of VLAC.
2. How were you chosen ?
3. How long have you been a member ?
4. Can you briefly describe what you have done so far ?
5. Do you understand what is expected of you and can you comfortably perform you duties ?
6. How were you briefed on this job ?
7. Were you given a copy of VLAC terms of reference ?
8. Did you receive some kind of training ?
9. What is your working relationship with the chief ?
10. How often do you hold meetings ? 11. When was your last meeting ?
12. Do you get paid for your work as a member ?
13. If yes, how much ?
14. Roughly, how many hours per week do you spend on your work as a VLAC member ?
15. Do you keep records of your work ?
16. If yes, are the records available to the public ?
17. What kind of problems do you often encounter in your work ?
18. How are they solved ? (explain with examples)
19. If a land-related conflict arises over an area falling under different chiefs, how do you solve it ?(explain with example)
20. Do you think VLAC has an important role in the community ? (explain with examples)
21. Do you think VLAC would have an important role in the future ?

2. B. *LAND ALLOCATION AND OVERALL NATIONAL PLANNING*

1. How are you involved in the overall planning process ?
2. Do you ever get help form the government technical personnel (in planning) ?
3. If yes, what kind of help ?
4. When was your last meeting with the Government personnel ?
5. What do you generally discuss in these meetings ?
6. Where was the last meeting held ?

3. C. *THE SALE OF LAND*

1. Is the sale of land common in this area ?
2. If yes, how are you involved ?
3. What do you see as the long term implications of land sales ?

4. D. *OVERBUREAUCRATIZATION OF LAND ADMINISTRATION*

1. Who are you directly responsible to ?
2. If you want to initiate a land-related project in your village, can you do so without getting permission from the government ? (explain with examples)
3. If no, what is the procedure ?
4. How does VLAC reach decisions ?
5. Do you have the authority to enforce your decisions ? (do you actually do it) explain with examples.
6. How has VLAC solved land management problems in Lesotho ?

5. E. *RELATIONSHIP WITH OTHER VILLAGE INSTITUTIONS*

1. Which other village institutions are in this area ?
2. What relations exist between VLAC and them ?
3. What problems does VLAC have with these institutions ?(explain with examples)
4. Do you thin your duties overlap with those of other institutions. in the village ?

6. F. *RELATIONSHIP WITH COMMUNITY MEMBERS*

1. How are villagers involved in the land allocation process ?
2. Do you ever have public meetings ?
3. If yes, how are they conducted ?
4. What kind of issues are discussed at these meetings ? (explain with examples)
5. Do you keep records of these meetings ?
6. If yes, are they available to the public ?
7. Do the villagers ever approach you with problems/suggestions concerning land allocation/management ?
8. If no, where do they go when they have problems ?
9. What kind of relationship exists between you and the villagers ?
10. What do you think should be done to improve these relations ?

APPENDIX B2 - COMMUNITY MEMBERS QUESTIONNAIRE

1. Are you aware of VLAC ?
2. If yes, what do you know about it ?
3. What were your feelings when you first heard about VLAC ?
4. Now that VLAC is .....old, how do you feel about it?
5. How are other villagers responding to VLAC ?
6. What significant changes in land management have been brought about by VLAC ? (explain with examples)
7. Does VLAC have the power to enforce regulations ? (explain with examples)
8. How are you involved in land allocation issues ?
9. Does VLAC ever hold public meetings ?
10. What kind of issues are discussed in these meetings ?
11. When was the last meeting held ?
12. Whom do you approach when you have problems/suggestion concerning land allocation/management ?
13. Are there other committees other than VLAC in this area ?
14. If yes, which are they ?
15. How do they differ from VLAC ?
16. Do you think VLAC should have other functions in the future ?

1. APPENDIX B3 - GOVERNMENT OFFICIALS QUESTIONNAIRE

1. Briefly describe the overall duties/procedures of VLAC ?
2. Why did the government introduce VLAC ?
3. Are the villagers comfortable with VLAC ?
4. How has VLAC improved land allocation in terms of fairness ?
5. How is VLAC involved in land sales transactions ?
6. How is public participation effected through VLAC ?
7. Has VLAC led to positive adjustments in decreasing area of arable land ? (explain with examples).
8. How has VLAC improved land management at community level ?
9. How is land allocation, at community level integrated with overall national planning ?
10. Over the last couple of years, what kind of problems have been reported concerning VLAC ?
11. How were they solved ?
12. How is interaction between VLAC and other village institutions effected ?
13. What is the relationship between the VLAC and those institutions. ?
14. Given Lesotho's future, how can a regional and national care be brought to land management through VLAC ?
15. Do you think VLAC should have other functions in the future ?